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ABSTRACT

This report from the United States House of Representatives presents the complete amended version of the House bill to extend for 5 years the authorizations of appropriations for the programs under the Elementary and Secondary Education Act. The current reauthorization bill is known as the "Improving America's Schools Act." The first half of the report is divided into five parts. Title I--Amendments to the Elementary and Secondary Education Act (ESEA) of 1965, is the largest section. It covers 13 sections of the ESEA, which include provisions for: (1) helping disadvantaged children meet high standards; (2) professional development; (3) technology for education; (4) safe and drug-free schools and communities; (5) promoting equity; (6) bilingual education and language acquisition; (7) impact aid; (8) Native American Education; and (9) the School Facilities Infrastructure Improvement Act. Title II covers Amendments to the General Education Provision Act. Title III covers amendments to other Acts affecting education, which include the Individuals with Disabilities Education Act (also covering homeless children), and Goals 2000. Title IV covers provision for the National Education Statistics Act of 1994. Title V covers miscellaneous provisions. The remainder of the report provides a joint explanatory statement of the committee of conference as to the proposed changes to the original bill. (HTH)

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ED 386 266

IMPROVING AMERICA'S SCHOOLS ACT

CONFERENCE REPORT

TO ACCOMPANY

H.R. 6

U.S. DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement
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SEPTEMBER 28, 1994.—Ordered to be printed

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103d Congress
2d Session

HOUSE OF REPRESENTATIVES

Report
103–761

IMPROVING AMERICA'S SCHOOLS ACT

CONFERENCE REPORT

TO ACCOMPANY

H.R. 6

September 28, 1994.—Ordered to be printed

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103D CONGRESS
2d Session

HOUSE OF REPRESENTATIVES

REPORT
103–761

IMPROVING AMERICA'S SCHOOLS ACT

SEPTEMBER 28, 1994.—Ordered to be printed

Mr. FORD of Michigan, from the committee of conference,
submitted the following

CONFERENCE REPORT

[To accompany H.R. 6]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6), to extend for five years the authorizations of appropriations for the programs under the Elementary and Secondary Education Act of 1965, and for certain other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Improving America's Schools Act of 1994".

SEC. 2. ORGANIZATION OF THE ACT.

This Act is organized into the following titles:

TITLE I—AMENDMENTS TO THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

TITLE II—AMENDMENTS TO THE GENERAL EDUCATION PROVISIONS ACT

TITLE III—AMENDMENTS TO OTHER ACTS

TITLE IV—NATIONAL EDUCATION STATISTICS

TITLE V—MISCELLANEOUS

SEC. 3. EFFECTIVE DATES; TRANSITION.

(a) EFFECTIVE DATES.—

(1) TITLE I.—

(A) Title I and the amendment made by title I of this Act shall take effect July 1, 1995, except that those provisions of title I that apply to programs under title VIII (Impact Aid) of the Elementary and Secondary Education Act of 1965, as amended by this Act, and to programs under such Act that are conducted on a competitive basis, shall be effective with respect to appropriations for use under such programs for fiscal year 1995 and for subsequent fiscal years.

(B) Title VIII of the Elementary and Secondary Education Act of 1965, as amended by title I of this Act, shall take effect on the date of the enactment of this Act.

(2) TITLE II.—Title II of this Act and the amendments made by title II of this Act shall take effect on the date of enactment of this Act, except that section 236 (equity for students, teachers, and other program beneficiaries) of such title shall be effective—

(A) July 1, 1995 for noncompetitive programs in which funds are allocated on the basis of a formula; and

(B) for programs that are conducted on a competitive basis, with respect to appropriations for use under such programs in fiscal year 1995 and in subsequent fiscal years.

(3) TITLE III.—(A) Parts A and B of title III of this Act and the amendments made by such parts shall take effect on July 1, 1995.

(B) Part C of title III of this Act and the amendments made by such part shall take effect on October 1, 1994.

(b) TRANSITION.—Notwithstanding any other provision of law, a recipient of funds under the Elementary and Secondary Education Act of 1965, as such Act was in effect on the day preceding the date of enactment of this Act, may use funds available to such recipient under such predecessor authority to carry out necessary and reasonable planning and transition activities in order to ensure a smooth implementation of programs authorized by this Act.

TITLE I—AMENDMENTS TO THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

SEC. 101. AMENDMENTS TO THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.

The Elementary and Secondary Education Act of 1965 (20 U.S.C. 2701 et seq.) is amended to read as follows:

"SECTION 1. TABLE OF CONTENTS.

"This Act may be cited as the 'Elementary and Secondary Education Act of 1965'.

“TITLE I—HELPING DISADVANTAGED CHILDREN MEET HIGH STANDARDS

“SEC. 1001. DECLARATION OF POLICY AND STATEMENT OF PURPOSE.

“(a) Statement of Policy.—

“(1) In general.—The Congress declares it to be the policy of the United States that a high-quality education for all individuals and a fair and equal opportunity to obtain that education are a societal good, are a moral imperative, and improve the life of every individual, because the quality of our individual lives ultimately depends on the quality of the lives of others.

“(2) Additional policy.—The Congress further declares it to be the policy of the United States to expand the program authorized by this title over the fiscal years 1996 through 1999 by increasing funding for this title by at least $750,000,000 over baseline each fiscal year and thereby increasing the percentage of eligible children served in each fiscal year with the intent of serving all eligible children by fiscal year 2004.

“(b) Recognition of Need.—The Congress recognizes that—

“(1) although the achievement gap between disadvantaged children and other children has been reduced by half over the past two decades, a sizable gap remains, and many segments of our society lack the opportunity to become well educated;

“(2) the most urgent need for educational improvement is in schools with high concentrations of children from low-income families and achieving the National Education Goals will not be possible without substantial improvement in such schools;

“(3) educational needs are particularly great for low-achieving children in our Nation’s highest-poverty schools, children with limited English proficiency, children of migrant workers, children with disabilities, Indian children, children who are neglected or delinquent, and young children and their parents who are in need of family-literacy services;

“(4) while title I and other programs funded under this Act contribute to narrowing the achievement gap between children in high-poverty and low-poverty schools, such programs need to become even more effective in improving schools in order to enable all children to achieve high standards; and

“(5) in order for all students to master challenging standards in core academic subjects as described in the third National Education Goal described in section 102(3) of the Goals 2000: Educate America Act, students and schools will need to maximize the time spent on teaching and learning the core academic subjects.

“(c) What Has Been Learned Since 1988.—To enable schools to provide all children a high-quality education, this title builds upon the following learned information:

“(1) All children can master challenging content and complex problem-solving skills. Research clearly shows that children, including low-achieving children, can succeed when expectations are high and all children are given the opportunity to learn challenging material.

"(2) Conditions outside the classroom such as hunger, unsafe living conditions, homelessness, unemployment, violence, inadequate health care, child abuse, and drug and alcohol abuse can adversely affect children's academic achievement and must be addressed through the coordination of services, such as health and social services, in order for the Nation to meet the National Education Goals.

"(3) Use of low-level tests that are not aligned with schools' curricula fails to provide adequate information about what children know and can do and encourages curricula and instruction that focus on the low-level skills measured by such tests.

"(4) Resources are more effective when resources are used to ensure that children have full access to effective high-quality regular school programs and receive supplemental help through extended-time activities.

"(5) Intensive and sustained professional development for teachers and other school staff, focused on teaching and learning and on helping children attain high standards, is too often not provided.

"(6) Insufficient attention and resources are directed toward the effective use of technology in schools and the role technology can play in professional development and improved teaching and learning.

"(7) All parents can contribute to their children's success by helping at home and becoming partners with teachers so that children can achieve high standards.

"(8) Decentralized decisionmaking is a key ingredient of systemic reform. Schools need the resources, flexibility, and authority to design and implement effective strategies for bringing their children to high levels of performance.

"(9) Opportunities for students to achieve high standards can be enhanced through a variety of approaches such as public school choice and public charter schools.

"(10) Attention to academics alone cannot ensure that all children will reach high standards. The health and other needs of children that affect learning are frequently unmet, particularly in high-poverty schools, thereby necessitating coordination of services to better meet children's needs.

"(11) Resources provided under this title can be better targeted on the highest-poverty local educational agencies and schools that have children most in need.

"(12) Equitable and sufficient resources, particularly as such resources relate to the quality of the teaching force, have an integral relationship to high student achievement.

"(d) STATEMENT OF PURPOSE.—The purpose of this title is to enable schools to provide opportunities for children served to acquire the knowledge and skills contained in the challenging State content standards and to meet the challenging State performance standards developed for all children. This purpose shall be accomplished by—

"(1) ensuring high standards for all children and aligning the efforts of States, local educational agencies, and schools to help children served under this title to reach such standards;

"(2) providing children an enriched and accelerated educational program, including, when appropriate, the use of the

arts, through schoolwide programs or through additional services that increase the amount and quality of instructional time so that children served under this title receive at least the classroom instruction that other children receive;

"(3) promoting schoolwide reform and ensuring access of children (from the earliest grades) to effective instructional strategies and challenging academic content that includes intensive complex thinking and problem-solving experiences;

"(4) significantly upgrading the quality of instruction by providing staff in participating schools with substantial opportunities for professional development;

"(5) coordinating services under all parts of this title with each other, with other educational services, and, to the extent feasible, with health and social service programs funded from other sources;

"(6) affording parents meaningful opportunities to participate in the education of their children at home and at school;

"(7) distributing resources, in amounts sufficient to make a difference, to areas and schools where needs are greatest;

"(8) improving accountability, as well as teaching and learning, by using State assessment systems designed to measure how well children served under this title are achieving challenging State student performance standards expected of all children; and

"(9) providing greater decisionmaking authority and flexibility to schools and teachers in exchange for greater responsibility for student performance.

"SEC. 1002. AUTHORIZATION OF APPROPRIATIONS.

"(a) Local Educational Agency Grants.—For the purpose of carrying out part A, other than section 1120(e), there are authorized to be appropriated $7,400,000,000 for fiscal year 1995 and such sums as may be necessary for each of the four succeeding fiscal years.

"(b) Even Start.—For the purpose of carrying out part B, there are authorized to be appropriated $118,000,000 for fiscal year 1995 and such sums as may be necessary for each of the four succeeding fiscal years.

"(c) Education of Migratory Children.—For the purpose of carrying out part C, there are authorized to be appropriated $310,000,000 for fiscal year 1995 and such sums as may be necessary for each of the four succeeding fiscal years.

"(d) Prevention and Intervention Programs for Youth Who Are Neglected, Delinquent, or at Risk of Dropping Out.—For the purpose of carrying out part D, there are authorized to be appropriated $40,000,000 for fiscal year 1995 and such sums as may be necessary for each of the four succeeding fiscal years.

"(e) Capital Expenses.—For the purpose of carrying out section 1120(e), there are authorized to be appropriated $41,434,000 for fiscal year 1995 and such sums as may be necessary for each of the four succeeding fiscal years.

"(f) Additional Assistance for School Improvement.—For the purpose of providing additional needed assistance to carry out sections 1116 and 1117, there are authorized to be appropriated

such sums as may be necessary for fiscal year 1996 and each of the three succeeding fiscal years.

"(g) Federal Activities.—

"(1) Section 1501.—For the purpose of carrying out section 1501, there are authorized to be appropriated $9,000,000 for fiscal year 1995 and such sums as may be necessary for each of the four succeeding fiscal years.

"(2) Sections 1502 and 1503.—For the purpose of carrying out sections 1502 and 1503, there are authorized to be appropriated $50,000,000 for fiscal year 1995 and such sums as may be necessary for each of the four succeeding fiscal years.

"SEC. 1003. RESERVATION AND ALLOCATION FOR SCHOOL IMPROVEMENT.

"(a) Payment for School Improvement.—

"(1) In general.—Except as provided in paragraph (3), each State may reserve for the proper and efficient performance of its duties under subsections (c)(5) and (d) of section 1116, and section 1117, one-half of 1 percent of the funds allocated to the State under subsections (a), (c), and (d), of section 1002 for fiscal year 1995 and each succeeding fiscal year.

"(2) Minimum.—The total amount that may be reserved by each State, other than the outlying areas, under this subsection for any fiscal year, when added to amounts appropriated for such fiscal year under section 1002(f) that are allocated to the State under subsection (b), if any, may not be less than $200,000. The total amount that may be reserved by each outlying area under this subsection for any fiscal year, when added to amounts appropriated for such fiscal year under section 1002(f) that are allocated under subsection (b) to the outlying area, if any, may not be less than $25,000.

"(3) Special rule.—If the amount reserved under paragraph (1) when added to the amount made available under section 1002(f) for a State is less than $200,000 for any fiscal year, then such State may reserve such additional funds under subsections (a), (c), and (d) of section 1002 as are necessary to make $200,000 available to such State.

"(b) Additional State Allocations for School Improvement.—From the amount appropriated under section 1002(f) for any fiscal year, each State shall be eligible to receive an amount that bears the same ratio to the amount appropriated as the amount allocated to the State under this part (other than section 1120(e)) bears to the total amount allocated to all States under this part (other than section 1120(e)).

"PART A—IMPROVING BASIC PROGRAMS OPERATED BY LOCAL EDUCATIONAL AGENCIES

"Subpart 1—Basic Program Requirements

"SEC. 1111. STATE PLANS.

"(a) Plans Required.—

"(1) In general.—Any State desiring to receive a grant under this part shall submit to the Secretary a plan, developed *in consultation with local educational agencies, teachers, pupil services personnel, administrators, other staff, and parents, that satisfies the requirements of this section and that is coordinated with other programs under this Act, the Goals 2000: Educate America Act, and other Acts, as appropriate, consistent with section 14306.*

"(2) CONSOLIDATION PLAN.—A State plan submitted under paragraph (1) may be submitted as part of a consolidation plan under section 14302.

"(b) STANDARDS AND ASSESSMENTS.—

"(1) CHALLENGING STANDARDS.—(A) Each State plan shall demonstrate that the State has developed or adopted challenging content standards and challenging student performance standards that will be used by the State, its local educational agencies, and its schools to carry out this part, except that a State shall not be required to submit such standards to the Secretary.

"(B) If a State has State content standards or State student performance standards developed under title III of the Goals 2000: Educate America Act and an aligned set of assessments for all students developed under such title, or, if not developed under such title, adopted under another process, the State shall use such standards and assessments, modified, if necessary, to conform with the requirements of subparagraphs (A) and (D) of this paragraph, and paragraphs (2) and (3).

"(C) If a State has not adopted State content standards and State student performance standards for all students, the State plan shall include a strategy and schedule for developing State content standards and State student performance standards for elementary and secondary school children served under this part in subjects as determined by the State, but including at least mathematics and reading or language arts by the end of the one-year period described in paragraph (6), which standards shall include the same knowledge, skills, and levels of performance expected of all children.

"(D) Standards under this paragraph shall include—

"(i) challenging content standards in academic subjects that—

"(I) specify what children are expected to know and be able to do;

"(II) contain coherent and rigorous content; and

"(III) encourage the teaching of advanced skills;

"(ii) challenging student performance standards that—

"(I) are aligned with the State's content standards;

"(II) describe two levels of high performance, proficient and advanced, that determine how well children are mastering the material in the State content standards; and

"(III) describe a third level of performance, partially proficient, to provide complete information about the progress of the lower performing children toward achieving to the proficient and advanced levels of performance.

"(E) For the subjects in which students will be served under this part, but for which a State is not required by subparagraphs (A), (B) and (C) to develop, and has not otherwise developed such standards, the State plan shall describe a strategy for ensuring that such students are taught the same knowledge and skills and held to the same expectations as are all children.

"(2) YEARLY PROGRESS.—

"(A) Each State plan shall demonstrate, based on assessments described under paragraph (3), what constitutes adequate yearly progress of—

"(i) any school served under this part toward enabling children to meet the State's student performance standards; and

"(ii) any local educational agency that received funds under this part toward enabling children in schools receiving assistance under this part to meet the State's student performance standards.

"(B) Adequate yearly progress shall be defined in a manner—

"(i) that is consistent with guidelines established by the Secretary that result in continuous and substantial yearly improvement of each local educational agency and school sufficient to achieve the goal of all children served under this part meeting the State's proficient and advanced levels of performance, particularly economically disadvantaged and limited English proficient children; and

"(ii) that links progress primarily to performance on the assessments carried out under this section while permitting progress to be established in part through the use of other measures.

"(3) ASSESSMENTS.—Each State plan shall demonstrate that the State has developed or adopted a set of high-quality, yearly student assessments, including assessments in at least mathematics and reading or language arts, that will be used as the primary means of determining the yearly performance of each local educational agency and school served under this part in enabling all children served under this part to meet the State's student performance standards. Such assessments shall—

"(A) be the same assessments used to measure the performance of all children, if the State measures the performance of all children;

"(B) be aligned with the State's challenging content and student performance standards and provide coherent information about student attainment of such standards;

"(C) be used for purposes for which such assessments are valid and reliable, and be consistent with relevant, nationally recognized professional and technical standards for such assessments;

"(D) measure the proficiency of students in the academic subjects in which a State has adopted challenging content and student performance standards and be administered at some time during—

"(i) grades 3 through 5;

"(ii) grades 6 through 9; and

"(iii) grades 10 through 12;

"(E) involve multiple up-to-date measures of student performance, including measures that assess higher order thinking skills and understanding;

"(F) provide for—

"(i) the participation in such assessments of all students;

"(ii) the reasonable adaptations and accommodations for students with diverse learning needs, necessary to measure the achievement of such students relative to State content standards; and

"(iii) the inclusion of limited English proficient students who shall be assessed, to the extent practicable, in the language and form most likely to yield accurate and reliable information on what such students know and can do, to determine such students' mastery of skills in subjects other than English;

"(G) include students who have attended schools in a local educational agency for a full academic year but have not attended a single school for a full academic year, however the performance of students who have attended more than one school in the local educational agency in any academic year shall be used only in determining the progress of the local educational agency;

"(H) provide individual student interpretive and descriptive reports, which shall include scores, or other information on the attainment of student performance standards; and

"(I) enable results to be disaggregated within each State, local educational agency, and school by gender, by each major racial and ethnic group, by English proficiency status, by migrant status, by students with disabilities as compared to nondisabled students, and by economically disadvantaged students as compared to students who are not economically disadvantaged.

"(4) SPECIAL RULE.—Assessment measures that do not meet the requirements of paragraph (3)(C) may be included as one of the multiple measures, if a State includes in the State plan information regarding the State's efforts to validate such measures.

"(5) LANGUAGE ASSESSMENTS.—Each State plan shall identify the languages other than English that are present in the participating student population and indicate the languages for which yearly student assessments are not available and are needed. The State shall make every effort to develop such assessments and may request assistance from the Secretary if linguistically accessible assessment measures are needed. Upon request, the Secretary shall assist with the identification of appropriate assessment measures in the needed languages through the Office of Bilingual Education and Minority Languages Affairs.

"(6) STANDARD AND ASSESSMENT DEVELOPMENT.—(A) A State that does not have challenging State content standards and challenging State student performance standards, in at least mathematics and reading or language arts, shall develop such standards within one year of receiving funds under this part after the first fiscal year for which such State receives such funds after the date of enactment of the Improving America's Schools Act of 1994.

"(B) A State that does not have assessments that meet the requirements of paragraph (3) in at least mathematics and reading or language arts shall develop and test such assessments within four years (one year of which shall be used for field testing such assessment), of receiving funds under this part after the first fiscal year for which such State receives such funds after the date of enactment of the Improving America's Schools Act of 1994 and shall develop benchmarks of progress toward the development of such assessments that meet the requirements of paragraph (3), including periodic updates.

"(C) The Secretary may extend for one additional year the time for testing new assessments under subparagraph (B) upon the request of the State and the submission of a strategy to correct problems identified in the field testing of such new assessments.

"(D) If, after the one-year period described in subparagraph (A), a State does not have challenging State content and challenging student performance standards in at least mathematics and reading or language arts, a State shall adopt a set of standards in these subjects such as the standards and assessments contained in other State plans the Secretary has approved.

"(E) If, after the four-year period described in subparagraph (B), a State does not have assessments, in at least mathematics and reading or language arts, that meet the requirement of paragraph (3), and is denied an extension under subparagraph (C), a State shall adopt an assessment that meets the requirement of paragraph (3) such as one contained in other State plans the Secretary has approved.

"(7) TRANSITIONAL ASSESSMENTS.—(A) If a State does not have assessments that meet the requirements of paragraph (3) and proposes to develop such assessments under paragraph (6)(B), the State may propose to use a transitional set of yearly statewide assessments that will assess the performance of complex skills and challenging subject matter.

"(B) For any year in which a State uses transitional assessments, the State shall devise a procedure for identifying local educational agencies under paragraphs (3) and (7) of section 1116(d), and schools under paragraphs (1) and (7) of section 1116(c), that rely on accurate information about the academic progress of each such local educational agency and school.

"(8) REQUIREMENT.—Each State plan shall describe—

"(A) how the State educational agency will help each local educational agency and school affected by the State *plan develop the capacity to comply with each of the requirements of sections 1112(c)(1)(D), 1114(b), and 1115(c) that is applicable to such agency or school; and*

"(B) such other factors the State deems appropriate (which may include opportunity-to-learn standards or strategies developed under the Goals 2000: Educate America Act) to provide students an opportunity to achieve the knowledge and skills described in the challenging content standards adopted by the State.

"(c) OTHER PROVISIONS TO SUPPORT TEACHING AND LEARNING.—Each State plan shall contain assurances that—

"(1)(A) the State educational agency will implement a system of school support teams under section 1117(c), including provision of necessary professional development for those teams;

"(B) the State educational agency will work with other agencies, including educational service agencies or other local consortia, and institutions to provide technical assistance to local educational agencies and schools to carry out the State educational agency's responsibilities under this part, including technical assistance in providing professional development under section 1119 and technical assistance under section 1117; and

"(C)(i) where educational service agencies exist, the State educational agency will consider providing professional development and technical assistance through such agencies; and

"(ii) where educational service agencies do not exist, the State educational agency will consider providing professional development and technical assistance through other cooperative agreements such as through a consortium of local educational agencies;

"(2) the State educational agency will notify local educational agencies and the public of the standards and assessments developed under this section, and of the authority to operate schoolwide programs, and will fulfill the State educational agency's responsibilities regarding local educational agency improvement and school improvement under section 1116, including such corrective actions as are necessary;

"(3) the State educational agency will provide the least restrictive and burdensome regulations for local educational agencies and individual schools participating in a program assisted under this part;

"(4) the State educational agency will encourage the use of funds from other Federal, State, and local sources for schoolwide reform in schoolwide programs under section 1114;

"(5) the Committee of Practitioners established under section 1603(b) will be substantially involved in the development of the plan and will continue to be involved in monitoring the plan's implementation by the State; and

"(6) the State will coordinate activities funded under this part with school-to-work, vocational education, cooperative education and mentoring programs, and apprenticeship programs involving business, labor, and industry, as appropriate.

"(d) PEER REVIEW AND SECRETARIAL APPROVAL.—

"(1) IN GENERAL.—The Secretary shall—

"(A) establish a peer review process to assist in the review and recommendations for revision of State plans;

"(B) appoint individuals to the peer review process who are representative of State educational agencies, local educational agencies, teachers, and parents;

"(C) following an initial peer review, approve a State plan the Secretary determines meets the requirements of subsections (a), (b), and (c); and

"(D) if the Secretary determines that the State plan does not meet the requirements of subsection (a), (b), or (c), immediately notify the State of such determination and the reasons for such determination;

"(E) not decline to approve a State's plan before—

"(i) offering the State an opportunity to revise its plan;

"(ii) providing technical assistance in order to assist the State to meet the requirements under subsections (a), (b), and (c); and

"(iii) providing a hearing; and

"(F) have the authority to disapprove a State plan for not meeting the requirements of this part, but shall not have the authority to require a State, as a condition of approval of the State plan, to include in, or delete from, such plan one or more specific elements of the State's content standards or to use specific assessment instruments or items.

"(2) WITHHOLDING.—The Secretary may withhold funds for State administration and activities under section 1117 until the Secretary determines that the State plan meets the requirements of this section.

"(e) DURATION OF THE PLAN.—

"(1) IN GENERAL.—Each State plan shall—

"(A) remain in effect for the duration of the State's participation under this part; and

"(B) be periodically reviewed and revised by the State, as necessary, to reflect changes in the State's strategies and programs under this part.

"(2) ADDITIONAL INFORMATION.—If the State makes significant changes in its plan, such as the adoption of new State content standards and State student performance standards, new assessments, or a new definition of adequate progress, the State shall submit such information to the Secretary.

"(f) LIMITATION ON CONDITIONS.—Nothing in this part shall be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control a State, local educational agency, or school's specific instructional content or student performance standards and assessments, opportunity-to-learn standards or strategies, curriculum, or program of instruction, as a condition of eligibility to receive funds under this part.

"(g) PROHIBITION.—Nothing in this Act shall be construed to require any State educational agency, local educational agency, or school, to implement opportunity-to-learn standards or strategies developed by such State under the Goals 2000: Educate America Act.

"(h) SPECIAL RULE.—If the aggregate State expenditure by a State educational agency for the operation of elementary and secondary education programs in the State is less than such agency's aggregate Federal expenditure for the State operation of all Federal elementary and secondary education programs, then the State plan shall include assurances and specific provisions that such State will provide State expenditures for the operation of elementary and secondary education programs equal to or exceeding the level of Federal expenditures for such operation by October 1, 1998.

"SEC. 1112. LOCAL EDUCATIONAL AGENCY PLANS.

"(a) PLANS REQUIRED.—

"(1) SUBGRANTS.—A local educational agency may receive a subgrant under this part for any fiscal year only if such agency has on file with the State educational agency a plan, approved by the State educational agency, that is coordinated with other programs under this Act, the Goals 2000: Educate America Act, and other Acts, as appropriate, as specified in section 14306.

"(2) CONSOLIDATED APPLICATION.—The plan may be submitted as part of a consolidated application under section 14304.

"(b) PLAN PROVISIONS.—Each local educational agency plan shall include—

"(1) a description of additional high-quality student assessments, if any, other than the assessments described in the State plan under section 1111, that the local educational agency and schools served under this part will use to—

"(A) determine the success of children served under this part in meeting the State's student performance standards and provide information to teachers, parents, and students on the progress being made toward meeting the State student performance standards described in section 1111(b)(1)(D)(ii);

"(B) assist in diagnosis, teaching, and learning in the classroom in ways that best enable children served under this part to meet State standards and do well in the local curriculum; and

"(C) determine what revisions are needed to projects under this part so that such children will meet the State's student performance standards;

"(2) at the local educational agency's discretion, a description of any other indicators that will be used in addition to the assessments described in paragraph (1) for the uses described in such paragraph;

"(3) a description of the strategy the local educational agency will use to provide professional development for teachers, and, where appropriate, pupil services personnel, administrators, parents and other staff, including local educational agency level staff in accordance with section 1119;

"(4) a description of how the local educational agency will coordinate and integrate services provided under this part with other educational services at the local educational agency or individual school level, such as—

"(A) Even Start, Head Start, and other preschool programs, including plans for the transition of participants in

such programs to local elementary school programs, vocational education programs, and school-to-work transition programs; and

"(B) services for children with limited English proficiency or with disabilities, migratory children served under part C or who were formerly eligible for services under part C in the two-year period preceding the date of the enactment of the Improving America's School Act of 1994, neglected or delinquent youth and youth at risk of dropping out served under part D, homeless children, and immigrant children in order to increase program effectiveness, eliminate duplication, and reduce fragmentation of the instructional program;

"(5) a description of the poverty criteria that will be used to select school attendance areas under section 1113;

"(6) a description of how teachers, in consultation with parents, administrators, and pupil services personnel, in targeted assistance schools under section 1115, will identify the eligible children most in need of services under this part;

"(7) a general description of the nature of the programs to be conducted by such agency's schools under sections 1114 and 1115 and, where appropriate, educational services outside such schools for children living in local institutions for neglected or delinquent children, for neglected and delinquent children in community day school programs, and for eligible homeless children;

"(8) a description of how the local educational agency will ensure that migratory children and formerly migratory children who are eligible to receive services under this part are selected to receive such services on the same basis as other children who are selected to receive services under this part;

"(9) where appropriate, a description of how the local educational agency will use funds under this part to support preschool programs for children, particularly children participating in a Head Start or Even Start program, which services may be provided directly by the local educational agency or through a subcontract with the local Head Start agency designated by the Secretary of Health and Human Services under section 641 of the Head Start Act, agencies operating Even Start programs, or another comparable public early childhood development program.

"(c) ASSURANCES.—

"(1) IN GENERAL.—Each local educational agency plan shall provide assurances that the local educational agency will—

"(A) inform eligible schools and parents of schoolwide project authority;

"(B) provide technical assistance and support to schoolwide programs;

"(C) work in consultation with schools as the schools develop the schools' plans pursuant to section 1114 and assist schools as the schools implement such plans or undertake activities pursuant to section 1115 so that each school can make adequate yearly progress toward meeting the

State content standards and State student performance standards;

"(D) fulfill such agency's school improvement responsibilities under section 1116, including taking corrective actions under section 1116(c)(4);

"(E) coordinate and collaborate, to the extent feasible and necessary as determined by the local educational agency, with other agencies providing services to children, youth, and families, including health and social services;

"(F) provide services to eligible children attending private elementary and secondary schools in accordance with section 1120, and timely and meaningful consultation with private school officials regarding such services;

"(G) take into account the experience of model programs for the educationally disadvantaged, and the findings of relevant research indicating that services may be most effective if focused on students in the earliest grades at schools that receive funds under this part; and

"(H) beginning in fiscal year 1997 and in the case that a local educational agency chooses to use funds under this part to provide early childhood development services to low-income children below the age of compulsory school attendance, ensure that such services comply with the performance standards established under section 641A(a) of the Head Start Act or under section 651 of such Act, as such section 651 was in effect on the day preceding the date of enactment of the Human Services Amendments of 1994.

"(2) SPECIAL RULE.—In carrying out subparagraph (H) of paragraph (1) the Secretary—

"(A) in fiscal year 1995, shall consult with the Secretary of Health and Human Services on the implementation of such subparagraph and shall establish procedures (taking into consideration existing State and local laws, and local teacher contracts) to assist local educational agencies to comply with such subparagraph; and

"(B) in fiscal year 1996, shall disseminate to local educational agencies the Head Start Performance Standards revised pursuant to section 641A(a) of the Head Start Act, and such agencies effected by such subparagraph shall plan for the implementation of such subparagraph (taking into consideration existing State and local laws, and local teacher contracts), including pursuing the availability of other Federal, State, and local funding sources to assist in compliance with such subparagraph.

"(3) INAPPLICABILITY.—The provisions of this subsection shall not apply to preschool programs using the Even Start model or to Even Start programs which are expanded through the use of funds under this part.

"(d) PLAN DEVELOPMENT AND DURATION.—Each local educational agency plan shall—

"(1) be developed in consultation with teachers, including vocational teachers, and pupil services personnel, where appropriate, and parents of children in schools served under this part; and

"(2)(A) remain in effect for the duration of the local educational agency's participation under this part; and

"(B) periodically be reviewed and revised, as necessary, to reflect changes in the local educational agency's strategies and programs.

"(e) STATE APPROVAL.—

"(1) IN GENERAL.—Each local educational agency plan shall be filed according to a schedule established by the State educational agency, except that a local educational agency shall have not more than one year after the date of enactment of the Improving America's Schools Act of 1994 to have such plan provisionally approved by the State educational agency and not more than two years after the date of enactment of such Act to have such plan finally approved by the State educational agency.

"(2) APPROVAL.—The State educational agency shall approve a local educational agency's plan only if the State educational agency determines that the local educational agency's plan will enable schools served under this part to substantially help all children served under this part meet the standards expected of all children described in section 1111(b)(1).

"(3) REVIEW.—The State educational agency shall review the local educational agency's plan to determine if such agency's professional development activities are in accordance with section 1119.

"(f) PROGRAM RESPONSIBILITY.—The local educational agency plan shall reflect the shared responsibility of schools, teachers, and the local educational agency in making decisions regarding activities under sections 1114 and 1115.

"SEC. 1113. ELIGIBLE SCHOOL ATTENDANCE AREAS.

"(a) DETERMINATION.—

"(1) IN GENERAL.—A local educational agency shall use funds received under this part only in eligible school attendance areas.

"(2) ELIGIBLE SCHOOL ATTENDANCE AREAS.—For the purposes of this part—

"(A) the term 'school attendance area' means, in relation to a particular school, the geographical area in which the children who are normally served by that school reside; and

"(B) the term 'eligible school attendance area' means a school attendance area in which the percentage of children from low-income families is at least as high as the percentage of children from low-income families in the local educational agency as a whole.

"(3) RANKING ORDER.—If funds allocated in accordance with subsection (c) are insufficient to serve all eligible school attendance areas, a local educational agency shall—

"(A) annually rank, without regard to grade spans, such agency's eligible school attendance areas in which the concentration of children from low-income families exceeds 75 percent from highest to lowest according to the percentage of children from low-income families; and

"(B) serve such eligible school attendance areas in rank order.

"(4) REMAINING FUNDS.—If funds remain after serving all eligible school attendance areas under paragraph (3), a local educational agency shall—

"(A) annually rank such agency's remaining eligible school attendance areas from highest to lowest either by grade span or for the entire local educational agency according to the percentage of children from low-income families; and

"(B) serve such eligible school attendance areas in rank order either within each grade-span grouping or within the local educational agency as a whole.

"(5) MEASURES.—The local educational agency shall use the same measure of poverty, which measure shall be the number of children ages 5 through 17 in poverty counted in the most recent census data approved by the Secretary, the number of children eligible for free and reduced priced lunches under the National School Lunch Act, the number of children in families receiving assistance under the Aid to Families with Dependent Children program, or the number of children eligible to receive medical assistance under the Medicaid program, or a composite of such indicators, with respect to all school attendance areas in the local educational agency—

"(A) to identify eligible school attendance areas;

"(B) to determine the ranking of each area; and

"(C) to determine allocations under subsection (c).

"(6) EXCEPTION.—This subsection shall not apply to a local educational agency with a total enrollment of less than 1,000 children.

(7) WAIVER FOR DESEGREGATION PLANS.—The Secretary may approve a local educational agency's written request for a waiver of the requirements of subsections (a) and (c), and permit such agency to treat as eligible, and serve, any school that children attend with a State-ordered or a court-ordered school desegregation plan or a plan that continues to be implemented in accordance with a State-ordered or court-ordered desegregation plan, if (A) the number of economically disadvantaged children enrolled in the school is at least 25 percent of the school's total enrollment; and (B) the Secretary determines on the basis of a written request from such agency and in accordance with such criteria as the Secretary establishes, that approval of that request would further the purposes of this part.

"(b) LOCAL EDUCATIONAL AGENCY DISCRETION.—

"(1) IN GENERAL.—Notwithstanding subsection (a)(2), a local educational agency may—

"(A) designate as eligible any school attendance area or school in which at least 35 percent of the children are from low-income families;

"(B) use funds received under this part in a school that is not in an eligible school attendance area, if the percentage of children from low-income families enrolled in the school is equal to or greater than the percentage of such

children in a participating school attendance area of such agency;

"(C)(i) elect not to serve an eligible school attendance area or eligible school that has a higher percentage of children from low-income families if—

"(I) the school meets the comparability requirements of section 1120A(c);

"(II) the school is receiving supplemental funds from other State or local sources that are spent according to the requirements of section 1114 or 1115; and

"(III) the funds expended from such other sources equal or exceed the amount that would be provided under this part.

"(2) SPECIAL RULE.—Notwithstanding paragraph (1)(C), the number of children attending private elementary and secondary schools who are to receive services, and the assistance such children are to receive under this part, shall be determined without regard to whether the public school attendance area in which such children reside is assisted under paragraph (1).

"(c) ALLOCATIONS.—

"(1) IN GENERAL.—A local educational agency shall allocate funds received under this part to eligible school attendance areas or eligible schools, identified under subsection (a) or (b), in rank order, on the basis of the total number of children from low-income families in each area or school.

"(2) SPECIAL RULE.—(A) Except as provided in subparagraph (B), the per pupil amount of funds allocated to each school attendance area or school under paragraph (1) shall be at least 125 percent of the per pupil amount of funds a local educational agency received for that year under the poverty criteria described by the local educational agency in the plan submitted under section 1112, except that this paragraph shall not apply to a local educational agency that only serves schools in which the percentage of such children is 35 percent or greater.

"(B) A local educational agency may reduce the amount of funds allocated under subparagraph (A) for a school attendance area or school by the amount of any supplemental State and local funds expended in that school attendance area or school for programs that meet the requirements of section 1114 or 1115.

"(3) RESERVATION.—A local educational agency shall reserve such funds as are necessary under this part to provide services comparable to those provided to children in schools funded under this part to serve—

"(A) where appropriate, eligible homeless children who do not attend participating schools, including providing educationally related support services to children in shelters;

"(B) children in local institutions for neglected or delinquent children; and

"(C) where appropriate, neglected and delinquent children in community day school programs.

"SEC. 1114. SCHOOLWIDE PROGRAMS.

"(a) USE OF FUNDS FOR SCHOOLWIDE PROGRAMS.—

"(1) IN GENERAL.—A local educational agency may use funds under this part, in combination with other Federal, State, and local funds, in order to upgrade the entire educational program in a school described in subparagraph (A) or (B) if, for the initial year of the schoolwide program, the school meets either of the following criteria:

"(A) For the school year 1995–1996—

"(i) the school serves an eligible school attendance area in which not less than 60 percent of the children are from low-income families; or

"(ii) not less than 60 percent of the children enrolled in the school are from such families.

"(B) For the school year 1996–1997 and subsequent years—

"(i) the school serves an eligible school attendance area in which not less than 50 percent of the children are from low-income families; or

"(ii) not less than 50 percent of the children enrolled in the school are from such families.

"(2) STATE ASSURANCES.—(A) A local educational agency may start new schoolwide programs under this section only after the State educational agency provides written information to each local educational agency in the State that demonstrates that such State agency has established the statewide system of support and improvement required by subsections (c)(1) and (e) of section 1117.

"(B) A school that desires to initiate a schoolwide program under this section prior to the establishment of the statewide system of support and improvement required in subsections (c)(1) and (e) of section 1117 shall demonstrate to the local educational agency that such school has received high quality technical assistance and support from other providers of assistance such as comprehensive technical assistance centers, regional laboratories, institutions of higher education, educational service agencies, or other local consortia.

"(3) IDENTIFICATION.—(A) No school participating in a schoolwide program shall be required to identify particular children under this part as eligible to participate in a schoolwide program or to provide supplemental services to such children.

"(B) A school participating in a schoolwide program shall use funds available to carry out this section only to supplement the amount of funds that would, in the absence of funds under this part, be made available from non-Federal sources for the school, including funds needed to provide services that are required by law for children with disabilities and children with limited English proficiency.

"(4) SPECIAL RULE.—(A) Except as provided in subsection (b), the Secretary may, through publication of a notice in the Federal Register, exempt schoolwide programs under this section from statutory or regulatory provisions of any other noncompetitive, formula grant program administered by the Secretary, or any discretionary grant program administered by the Secretary (other than formula or discretionary grant programs

under the Individuals with Disabilities Education Act), to support schoolwide programs, if the intent and purposes of such other programs are met.

"(B) A school that chooses to use funds from such other programs shall not be relieved of the requirements relating to health, safety, civil rights, gender equity, student and parental participation and involvement, services to private school children, maintenance of effort, comparability of services, uses of Federal funds to supplement, not supplant non-Federal funds, or the distribution of funds to State or local educational agencies that apply to the receipt of funds from such programs.

"(5) PROFESSIONAL DEVELOPMENT.—Each school receiving funds under this part for any fiscal year shall devote sufficient resources to effectively carry out the activities described in subsection (b)(1)(D) in accordance with section 1119 for such fiscal year, except that a school may enter into a consortium with another school to carry out such activities.

"(b) COMPONENTS OF A SCHOOLWIDE PROGRAM.—

"(1) IN GENERAL.—A schoolwide program shall include the following components:

"(A) A comprehensive needs assessment of the entire school that is based on information on the performance of children in relation to the State content standards and the State student performance standards described in section 1111(b)(1).

"(B) Schoolwide reform strategies that—

"(i) provide opportunities for all children to meet the State's proficient and advanced levels of student performance described in section 1111(b)(1)(D);

"(ii) are based on effective means of improving the achievement of children;

"(iii) use effective instructional strategies, which may include the integration of vocational and academic learning (including applied learning and team teaching strategies), that—

"(I) increase the amount and quality of learning time, such as providing an extended school year and before- and after-school and summer programs and opportunities, and help provide an enriched and accelerated curriculum; and

"(II) include strategies for meeting the educational needs of historically underserved populations, including girls and women;

"(iv)(I) address the needs of all children in the school, but particularly the needs of children who are members of the target population of any program that is included in the schoolwide program, which may include—

"(aa) counseling, pupil services, and mentoring services;

"(bb) college and career awareness and preparation, such as college and career guidance, comprehensive career development, occupational information, enhancement of employability skills and

occupational skills, personal finance education, job placement services, and innovative teaching methods which may include applied learning and team teaching strategies;

"(cc) services to prepare students for the transition from school to work, including the formation of partnerships between elementary, middle, and secondary schools and local businesses, and the integration of school-based and work-based learning; and

"(dd) incorporation of gender-equitable methods and practices; and

"(II) address how the school will determine if such needs have been met; and

"(vii) are consistent with, and are designed to implement, the State and local improvement plans, if any, approved under title III of the Goals 2000: Educate America Act.

"(C) Instruction by highly qualified professional staff.

"(D) In accordance with section 1119 and subsection (a)(5), professional development for teachers and aides, and, where appropriate, pupil services personnel, parents, principals, and other staff to enable all children in the school to meet the State's student performance standards.

"(E) Strategies to increase parental involvement, such as family literary services.

"(F) Plans for assisting preschool children in the transition from early childhood programs, such as Head Start, Even Start, or a State-run preschool program, to local elementary school programs.

"(G) Measures to include teachers in the decisions regarding the use of assessments described in section 1112(b)(1) in order to provide information on, and to improve, the performance of individual students and the overall instructional program.

"(H) Activities to ensure that students who experience difficulty mastering any of the standards required by section 1111(b) during the course of the school year shall be provided with effective, timely additional assistance, which shall include—

"(i) measures to ensure that students' difficulties are identified on a timely basis and to provide sufficient information on which to base effective assistance;

"(ii) to the extent the school determines feasible using funds under this part, periodic training for teachers in how to identify such difficulties and to provide assistance to individual students; and

"(iii) for any student who has not met such standards, teacher-parent conferences, at which time the teacher and parents shall discuss—

"(I) what the school will do to help the student meet such standards;

"(II) what the parents can do to help the student improve the student's performance; and

"(III) additional assistance which may be available to the student at the school or elsewhere in the community.

"(2) PLAN.—(A) Any eligible school that desires to operate a schoolwide program shall first develop (or amend a plan for such a program that was in existence before the date of enactment of the Improving America's Schools Act of 1994), in consultation with the local educational agency and its school support team or other technical assistance provider under subsections (c)(1) and (e) of section 1117, a comprehensive plan for reforming the total instructional program in the school that—

"(i) incorporates the components described in paragraph (1);

"(ii) describes how the school will use resources under this part and from other sources to implement those components;

"(iii) includes a list of State and local educational agency programs and other Federal programs under subsection (a)(4) that will be included in the schoolwide program;

"(iv) describes how the school will provide individual student assessment results, including an interpretation of those results, to the parents of a child who participates in the assessment required by section 1111(b)(3);

"(v) provides for the collection of data on the achievement and assessment results of students disaggregated by gender, major ethnic or racial groups, limited English proficiency status, migrant students, and by children with disabilities as compared to other students, and by economically disadvantaged students as compared to students who are not economically disadvantaged;

"(vi) seeks to produce statistically sound results for each category for which assessment results are disaggregated through the use of oversampling or other means; and

"(vii) provides for the public reporting of disaggregated data only when such reporting is statistically sound.

"(B) Plans developed before a State has adopted standards and a set of assessments that meet the criteria in paragraphs (1) and (3) of section 1111(b) shall be based on an analysis of available data on the achievement of students in the school and effective instructional and school improvement practices.

"(C) The comprehensive plan shall be—

"(i) developed during a one-year period, unless—

"(I) the local educational agency, after considering the recommendation of the technical assistance providers under subsections (c) and (e) of section 1117, determines that less time is needed to develop and implement the schoolwide program; or

"(II) the school is operating a schoolwide program on the day preceding the date of enactment of the Improving America's Schools Act of 1994, in which case such school may continue to operate such program, but

shall develop a new plan during the first year of assistance under such Act to reflect the provisions of this section;

"(ii) developed with the involvement of the community to be served and individuals who will carry out such plan, including teachers, principals, other staff, and, where appropriate, pupil services personnel, and parents, and, if the plan relates to a secondary school, students from such school;

"(iii) in effect for the duration of the school's participation under this part and reviewed and revised, as necessary, by the school;

"(iv) available to the local educational agency, parents, and the public, and the information contained in such plan shall be translated, to the extent feasible, into any language that a significant percentage of the parents of participating children in the school speak as their primary language; and

"(v) where appropriate, developed in coordination with programs under the School-to-Work Opportunities Act of 1994, the Carl D. Perkins Vocational and Applied Technology Education Act, and the National and Community Service Act of 1990.

"(c) ACCOUNTABILITY.—A schoolwide program under this section shall be subject to the school improvement provisions of section 1116.

"SEC. 1115. TARGETED ASSISTANCE SCHOOLS.

"(a) IN GENERAL.—In all schools selected to receive funds under section 1113(c) that are ineligible for a schoolwide program under section 1114, or that choose not to operate such a schoolwide program, a local educational agency may use funds received under this part only for programs that provide services to eligible children under subsection (b) identified as having the greatest need for special assistance.

"(b) ELIGIBLE CHILDREN.—

"(1) ELIGIBLE POPULATION.—(A) The eligible population for services under this part is—

"(i) children not older than age 21 who are entitled to a free public education through grade 12; and

"(ii) children who are not yet at a grade level where the local educational agency provides a free public education, yet are of an age at which such children can benefit from an organized instructional program provided in a school or other educational setting.

"(B) From the population described in subparagraph (A), eligible children are children identified by the school as failing, or most at risk of failing, to meet the State's challenging student performance standards on the basis of multiple, educationally related, objective criteria established by the local educational agency and supplemented by the school, except that children from preschool through grade two shall be selected solely on the basis of such criteria as teacher judgment, interviews with parents, and developmentally appropriate measures.

"(2) CHILDREN INCLUDED.—(A)(i) *Children who are economically disadvantaged, children with disabilities, migrant children or limited English proficient children, are eligible for services under this part on the same basis as other children selected to receive services under this part.*

"(ii) Funds received under this part may not be used to provide services that are otherwise required by law to be made available to such children but may be used to coordinate or supplement such services.

"(B) A child who, at any time in the two years preceding the year for which the determination is made, participated in a Head Start or Even Start program, is eligible for services under this part.

"(C)(i) A child who, at any time in the two years preceding the year for which the determination is made, received services under the program for youth who are neglected, delinquent, or at risk of dropping out under part D (or its predecessor authority) may be eligible for services under this part.

"(ii) A child in a local institution for neglected or delinquent children or attending a community day program for such children may be eligible for services under this part.

"(D) A child who is homeless and attending any school in the local educational agency may be eligible for services under this part.

"(c) COMPONENTS OF A TARGETED ASSISTANCE SCHOOL PROGRAM.—

"(1) IN GENERAL.—*To assist targeted assistance schools and local educational agencies to meet their responsibility to provide for all their students served under this part the opportunity to meet the State's student performance standards in subjects as determined by the State, each targeted assistance program under this section shall—*

"(A) use such program's resources under this part to help participating children meet such State student performance standards expected for all children;

"(B) be based on effective means for improving achievement of children;

"(C) ensure that planning for students served under this part is incorporated into existing school planning;

"(D) use effective instructional strategies that—

"(i) give primary consideration to providing extended learning time such as an extended school year, before- and after-school, and summer, programs and opportunities;

"(ii) help provide an accelerated, high-quality curriculum, including applied learning; and

"(iii) minimize removing children from the regular classroom during regular school hours for instruction provided under this part;

"(E) coordinate with and support the regular education program, which may include—

"(i) counseling, mentoring, and other pupil services;

"(ii) college and career awareness and preparation, such as college and career guidance, comprehensive career development, occupational information, enhancement of employability skills and occupational skills, personal finance education, job placement services, and innovative teaching methods which may include applied learning and team teaching strategies;

"(iii) services to prepare students for the transition from school to work, including the formation of partnerships between elementary, middle, and secondary schools and local businesses, and the integration of school-based and work-based learning; and

"(iv) services to assist preschool children in the transition from early childhood programs to elementary school programs;

"(F) provide instruction by highly qualified staff;

"(G) in accordance with subsection (e)(3) and section 1119, provide opportunities for professional development with resources provided under this part, and from other sources to the extent feasible, for administrators and for teachers and other school staff who work with participating children in programs under this section or in the regular education program; and

"(H) provide strategies to increase parental involvement, such as family literary services.

"(2) REQUIREMENTS.—Each school conducting a program under this section shall assist participating children selected in accordance with subsection (b) to meet the State's proficient and advanced levels of performance by—

"(A) the coordination of resources provided under this part with other resources to enable the children served to meet the State content standards and State student performance standards; and

"(B) reviewing, on an ongoing basis, the progress of participating children and revising the targeted assistance program, if necessary, to provide additional assistance to enable such children to meet the State's challenging student performance standards, such as an extended school year, before- and after-school, and summer, programs and opportunities, training for teachers regarding how to identify students that require additional assistance, and training for teachers regarding how to implement student performance standards in the classroom.

"(d) ASSIGNMENT OF PERSONNEL.—To promote the integration of staff supported with funds under this part and children served under this part into the regular school program and overall school planning and improvement efforts, public school personnel who are paid with funds received under this part may—

"(1) assume limited duties that are assigned to similar personnel who are not so paid, including duties beyond classroom instruction or that do not benefit participating children, so long as the amount of time spent on such duties is the same proportion of total work time as prevails with respect to similar personnel at the same school;

"(2) participate in general professional development and school planning activities; and

"(3) collaboratively teach with regular classroom teachers, if such collaborative teaching directly benefits participating children.

"(e) SPECIAL RULES.—

"(1) SIMULTANEOUS SERVICE.—Nothing in this section shall be construed to prohibit a school from serving students served under this section simultaneously with students with similar educational needs, in the same educational settings where appropriate.

"(2) COMPREHENSIVE SERVICES.—If health, nutrition, and other social services are not otherwise available to eligible children in a targeted assistance school and such school, if appropriate, has engaged in a comprehensive needs assessment and established a collaborative partnership with local service providers, and if funds are not reasonably available from other public or private sources to provide services under this part, then a portion of the funds provided under this part may be used as a last resort to provide such services, including—

"(A) the provision of basic medical equipment, such as eyeglasses and hearing aids;

"(B) compensation of a coordinator; and

"(C) professional development necessary to assist teachers, pupil services personnel, other staff, and parents in identifying and meeting the comprehensive needs of eligible children.

"(3) PROFESSIONAL DEVELOPMENT.—Each school receiving funds under this part for any fiscal year shall devote sufficient resources to effectively carry out the professional development activities described in subparagraph (G) of subsection (c)(1) in accordance with section 1119, for such fiscal year, except that a school may enter into a consortium with another school to carry out such activities.

"SEC. 1115A. SCHOOL CHOICE.

"(a) CHOICE PROGRAMS.—A local educational agency may use funds under this part, in combination with State, local, and private funds, to develop and implement choice programs, for children eligible for assistance under this part, which permit parents to select the public school that their children will attend.

"(b) CHOICE PLAN.—A local educational agency that chooses to implement a school choice plan shall first develop a comprehensive plan that includes assurances that—

"(1) all eligible students across grade levels will have equal access to the program;

"(2) the program does not include schools which follow a racially discriminatory policy;

"(3) describe how the school will use resources under this part and from other sources to implement the plan;

"(4) describe how the school will provide individual student assessment results, including an interpretation of such results, to the parents of a child who participates in the assessment required by section 1111(b)(3);

"(5) the plan will be developed with the involvement of the community to be served and individuals who will carry out the plan, including teachers, principals, and other staff, parents, and, if the plan relates to a secondary school, students from the school;

"(6) the plan will be made available to parents and the public;

"(7) the program will not include schools that do not receive funds under this part;

"(8) the program will not use funds under this part to pay for transportation costs;

"(9) both the sending and receiving schools agree to the student transfer; and

"(10) such local educational agency will comply with the other requirements of this part.

"SEC. 1116. ASSESSMENT AND LOCAL EDUCATIONAL AGENCY AND SCHOOL IMPROVEMENT.

"(a) LOCAL REVIEW.—Each local educational agency receiving funds under this part shall—

"(1) use the State assessments described in the State plan;

"(2) use any additional measures or indicators described in the local educational agency's plan to review annually the progress of each school served under this part to determine whether the school is meeting, or making adequate progress as defined in section 1111(b)(2)(A)(i) toward enabling its students to meet the State's student performance standards described in the State plan;

"(3) publicize and disseminate to teachers and other staff, parents, students, and the community, the results of the annual review under paragraph (2) of all schools served under this part in individual school performance profiles that include statistically sound disaggregated results as required by section 1111(b)(3)(I); and

"(4) provide the results of the local annual review to schools so that the schools can continually refine the program of instruction to help all children served under this part in those schools meet the State's student performance standards.

"(b) DESIGNATION OF DISTINGUISHED SCHOOLS.—Each State educational agency and local educational agency receiving funds under this part shall designate distinguished schools in accordance with section 1117.

"(c) SCHOOL IMPROVEMENT.—

"(1) IN GENERAL.—A local educational agency shall identify for school improvement any school served under this part that—

"(A) has been in program improvement under section 1020 of the Elementary and Secondary Education Act of 1965 (as such section was in effect on the day preceding the date of enactment of the Improving America's Schools Act of 1994), for at least two consecutive school years prior to such day;

"(B) has not made adequate progress as defined in the State's plan under section 1111(b)(2)(A)(i) for two consecutive school years, except that—

"(i) this subparagraph shall not apply to a school if almost every student in such school is meeting the State's advanced level of performance; or

"(ii) in the case of a targeted assistance school, such school may be reviewed on the progress of only those students that have been or are served under this part; or

"(C) has failed to meet the criteria established by the State through the State's transitional procedure under section 1111(b)(7)(B) for two consecutive years.

"(2) REQUIREMENT.—(A) Each school identified under paragraph (1) shall—

"(i) in consultation with parents, the local educational agency, and the school support team, develop or revise a school plan in ways that have the greatest likelihood of improving the performance of participating children in meeting the State's student performance standards, which may include reviewing the schools' plan in the context of the opportunity-to-learn standards or strategies developed by such State under the Goals 2000: Educate America Act; and

"(ii) submit the plan or revised plan to the local educational agency for approval.

"(B) Before identifying a school for school improvement under paragraph (1), the local educational agency shall provide the school with an opportunity to review the school-level data, including assessment data, on which such identification is based. If the school believes that such identification for school improvement is in error for statistical or other substantive reasons, such school may provide evidence to the local educational agency to support such belief.

"(C) During the first year immediately following such identification, the school shall implement such school's plan or revised plan.

"(3) PROFESSIONAL DEVELOPMENT.—(A) Each school identified under paragraph (1) shall, as part of the school plan under paragraph (2), improve the skills of its staff by providing effective professional development activities. A school shall demonstrate such school's compliance with this paragraph by—

"(i) devoting to such activities, over two consecutive years, an amount equivalent to at least 10 percent of the funds received by the school under this part during one fiscal year; or

"(ii) otherwise demonstrating that such school is effectively carrying out professional development activities.

"(B) A school may use funds from any source to meet the requirements of this subsection.

"(C) Decisions about how to use the funds made available under this part which the school makes available for professional development shall be made by teachers, principals, and other school staff in that school.

"(4) TECHNICAL ASSISTANCE.—(A) For each school identified under paragraph (1), the local educational agency shall provide

technical or other assistance as the school develops and implements such school's plan or revised plan, such as a joint plan between the local educational agency and school that addresses specific elements of student performance problems and that specifies school and local educational agency responsibilities under the plan, and waivers or modifications of requirements of local educational agency policy or regulation that impede the ability of the school to educate students.

"(B) Such technical assistance may be provided directly by the local educational agency, through mechanisms authorized under section 1117, or with the local educational agency's approval, by an institution of higher education, a private nonprofit organization, an educational service agency, a comprehensive regional assistance center under part A of title XIII, or other entities with experience in helping schools improve achievement.

"(5) CORRECTIVE ACTION.—(A) Except as provided in subparagraph (C), after providing technical assistance pursuant to paragraph (4) and taking other remediation measures, the local educational agency may take corrective action at any time against a school that has been identified under paragraph (1), but, during the third year following identification under paragraph (1), shall take such action against any school that still fails to make adequate progress.

"(B)(i) Corrective actions are those, consistent with State and local law, determined and made public and disseminated by the local educational agency, which may include—

"(I) withholding funds;

"(II) interagency collaborative agreements between the school and other public agencies to provide health, counseling, and other social services needed to remove barriers to learning;

"(III) revoking authority for a school to operate a schoolwide program;

"(IV) decreasing decisionmaking authority at the school level;

"(V) making alternative governance arrangements such as the creation of a public charter school;

"(VI) reconstituting the school staff;

"(VII) authorizing students to transfer, including transportation costs, to other public schools served by the local educational agency; and

"(VIII) implementing opportunity-to-learn standards or strategies developed by such State under the Goals 2000: Educate America Act.

"(ii) Notwithstanding clause (i), corrective actions taken pursuant to this part shall not include the actions described in subclauses (I), (III), (IV), (VI), or (VII) of clause (i) until the State has developed assessments that meet the requirements of subparagraph (C) of section 1111(b)(3).

"(C) Prior to implementing any corrective action, the local educational agency may refrain from such corrective action for one additional year to the extent that the failure to make

progress can be attributed to extenuating circumstances as determined by the local educational agency.

"(D) A school that is no longer operating its schoolwide program due to a corrective action may not resume operation of such a program until the local educational agency determines that the school has adequately reformed its schoolwide program plan to enable the school to make adequate progress toward meeting the State's challenging student performance standards.

"(6) STATE EDUCATIONAL AGENCY RESPONSIBILITIES.—The State educational agency shall—

"(A) make technical assistance under section 1117 available to the schools farthest from meeting the State's challenging student performance standards, if requested by the school or local educational agency; and

"(B) if such agency determines that a local educational agency failed to carry out the local educational agency's responsibilities under paragraphs (4) and (5), take such corrective actions as the State educational agency deems appropriate and which are in compliance with State law.

"(7) SPECIAL RULE.—Schools that, for at least two of the three years following identification under paragraph (1), make adequate progress toward meeting the State's proficient and advanced levels of performance shall no longer need to be identified for school improvement.

"(d) STATE REVIEW AND LOCAL EDUCATIONAL AGENCY IMPROVEMENT.—

"(1) IN GENERAL.—A State educational agency shall—

"(A) annually review the progress of each local educational agency receiving funds under this part to determine whether schools receiving assistance under this part are making adequate progress as defined in section 1111(b)(2)(A)(ii) toward meeting the State's student performance standards; and

"(B) publicize and disseminate to local educational agencies, teachers and other staff, parents, students, and the community the results of the State review, including statistically sound disaggregated results, as required by section 1111(b)(3)(I).

"(2) REWARDS.—In the case of a local educational agency that for three consecutive years has met or exceeded the State's definition of adequate progress as defined in section 1111(b)(2)(A)(ii), the State may make institutional and individual rewards of the kinds described for individual schools in paragraph (2) of section 1117(c).

"(3) IDENTIFICATION.—(A) A State educational agency shall identify for improvement any local educational agency that—

"(i) for two consecutive years, is not making adequate progress as defined in section 1111(b)(2)(A)(ii) in schools served under this part toward meeting the State's student performance standards, except that schools served by the local educational agency that are operating targeted assistance programs may be reviewed on the basis of the progress of only those students served under this part; or

"(ii) has failed to meet the criteria established by the State through such State's transitional procedure under section 1111(b)(7)(B) for two consecutive years.

"(B) Before identifying a local educational agency for improvement under paragraph (1), the State educational agency shall provide the local educational agency with an opportunity to review the school-level data, including assessment data, on which such identification is based. If the local educational agency believes that such identification for improvement is in error due to statistical or other substantive reasons, such local educational agency may provide evidence to the State educational agency to support such belief.

"(4) LOCAL EDUCATIONAL AGENCY REVISIONS.—(A) Each local educational agency identified under paragraph (3) shall, in consultation with schools, parents, and educational experts, revise its local educational agency plan under section 1112 in ways that have the greatest likelihood of improving the performance of schools served by the local educational agency under this part in meeting the State's student performance standards.

"(B) Such revision shall include determining why the local educational agency's plan failed to bring about increased achievement, and may include reviewing the local educational agency's plan in the context of the opportunity-to-learn standards or strategies developed by such State under the Goals 2000: Educate America Act.

"(5) STATE EDUCATIONAL AGENCY RESPONSIBILITY.—(A) For each local educational agency identified under paragraph (3), the State educational agency shall—

"(i) provide technical or other assistance, if requested, as authorized under section 1117, to better enable the local educational agency to—

"(I) develop and implement the local educational agency's revised plan; and

"(II) work with schools needing improvement; and

"(ii) make available to the local educational agencies farthest from meeting the State's standards, if requested, assistance under section 1117.

"(B) Technical or other assistance may be provided by the State educational agency directly, or by an institution of higher education, a private nonprofit organization, an educational service agency or other local consortium, a technical assistance center, or other entities with experience in assisting local educational agencies improve achievement, and may include—

"(i) interagency collaborative agreements between the local educational agency and other public agencies to provide health, pupil services, and other social services needed to remove barriers to learning; and

"(ii) waivers or modification of requirements of State law or regulation (in States in which such waivers are permitted) that impede the ability of a local educational agency to educate students.

"(6) CORRECTIVE ACTION.—(A) Except as provided in subparagraph (C), after providing technical assistance pursuant to paragraph (5) and taking other remediation measures, the State

educational agency may take corrective action at any time against a local educational agency that has been identified under paragraph (3), but, during the fourth year following identification under paragraph (3), shall take such action against any local educational agency that still fails to make adequate progress.

"(B)(i) Corrective actions are those actions, consistent with State law, determined and made public and disseminated by the State educational agency, which may include—

"(I) the withholding of funds;

"(II) reconstitution of school district personnel;

"(III) removal of particular schools from the jurisdiction of the local educational agency and establishment of alternative arrangements for public governance and supervision of such schools;

"(IV) implementation of the opportunity-to-learn standards or strategies developed by such State under the Goals 2000: Educate America Act;

"(V) appointment by the State educational agency of a receiver or trustee to administer the affairs of the local educational agency in place of the superintendent and school board;

"(VI) the abolition or restructuring of the local educational agency;

"(VII) the authorizing of students to transfer from a school operated by one local educational agency to a school operated by another local educational agency; and

"(VIII) a joint plan between the State and the local educational agency that addresses specific elements of student performance problems and that specifies State and local responsibilities under the plan.

"(ii) Notwithstanding clause (i), corrective actions taken pursuant to this part shall not include the actions described in subclauses (I), (II), and (III) of clause (i) until the State has developed assessments that meet the requirements of paragraph (3)(C) of section 1111(b).

"(C) Prior to implementing any corrective action, the State educational agency shall provide due process and a hearing (if State law provides for such due process and a hearing) to any local educational agency identified under paragraph (3) and may refrain from such corrective action for one year after the four-year period described in subparagraph (A) to the extent that the failure to make progress can be attributed to such extenuating circumstances as determined by the State educational agency.

"(7) SPECIAL RULE.—Local educational agencies that for at least two of the three years following identification under paragraph (3) make adequate progress toward meeting the State's standards no longer need to be identified for local educational agency improvement.

"(e) CONSTRUCTION.—Nothing in this section shall be construed to alter or otherwise affect the rights, remedies, and procedures afforded school or school district employees under Federal, State, or local laws (including applicable regulations or court orders) or

under the terms of collective bargaining agreements, memoranda of understanding, or other agreements between such employees and their employers.

"SEC. 1117. STATE ASSISTANCE FOR SCHOOL SUPPORT AND IMPROVEMENT.

"(a) System for Support.—

"(1) State support.—Each State educational agency shall establish a statewide system of intensive and sustained support and improvement for schools receiving funds under this part, including schoolwide programs and schools in need of program improvement, in order to increase the opportunity for all students in such schools to meet the State's content standards and student performance standards.

"(2) Meeting requirements.—Funds reserved under section 1003(a) or appropriated under section 1002(f) shall be used to meet the requirements of this section. In addition to such funds a State educational agency may use State administrative funds reserved under section 1603(c) to meet such requirements.

"(b) Regional Centers.—Such a statewide system shall work with and receive support and assistance from the comprehensive regional technical assistance centers under part A of title XIII and the educational regional laboratories under section 941(h) of the Educational Research, Development, Dissemination, and Improvement Act of 1994.

"(c) Provisions.—The system shall include at a minimum, the following:

"(1) School support teams.—

"(A) Each State educational agency, in consultation with local educational agencies and schools, shall establish a system of school support teams to provide information and assistance to schoolwide programs and to assist such programs in providing an opportunity to all students to meet the State's student performance standards.

"(B) If funds are sufficient, school support teams shall provide information and assistance to—

"(i) schools—

"(I) in which the number of students in poverty is equal to or greater than 75 percent of the total number of students enrolled in such school; and

"(II) identified as in need of improvement under section 1116(c)(1); and

"(ii) other schools in need of improvement.

"(C) Each such team shall be composed of persons, including teachers, pupil services personnel, representatives of organizations knowledgeable about successful schoolwide projects or comprehensive school reform (especially distinguished educators described in paragraph (3)), and other persons who are knowledgeable about research and practice on teaching and learning, particularly about strategies for improving the educational opportunities for low achieving students (including alternative and applied learning), such as representatives of institutions of higher education, regional educational laboratories or research centers, and outside consultant groups.

"(D) A school support team shall work cooperatively with each school and make recommendations as the school develops the school's schoolwide program plan or school improvement plan, review each plan, and make recommendations to the school and the local educational agency.

"(E) During the operation of the schoolwide program or during school improvement activities, a school support team shall—

"(i) periodically review the progress of the school in enabling children in the school to meet the State's student performance standards under this part;

"(ii) identify problems in the design and operation of the instructional program; and

"(iii) make recommendations for improvement to the school and the local educational agency.

"(2) DISTINGUISHED SCHOOLS.—

"(A) Each State shall designate as a distinguished school any school served under this part which, for three consecutive years, has exceeded the State's definition of adequate progress as defined in section 1111(b)(2)(A)(i), and, any school in which—

"(i) virtually all students have met the State's advanced level of student performance; and

"(ii) equity in participation and achievement of students by sex has been achieved or significantly improved.

"(B) Schools designated under this paragraph may serve as models and provide support to other schools, especially schoolwide programs and schools in school improvement, to assist such schools in meeting the State's student performance standards.

"(C) States shall use funds reserved under section 1003(a) and funds made available under section 1002(f) to allow schools identified under this paragraph to carry out the activities described in subparagraph (B) and may use such funds to provide awards to such schools to further such school's education programs under this part, provide additional incentives for continued success, and reward individuals or groups in the school for exemplary performance.

"(D) A local educational agency may also recognize the success of a distinguished school by providing additional institutional and individual rewards, such as greater decisionmaking authority at the school building level, increased access to resources or supplemental services such as summer programs that may be used to sustain or increase success, additional professional development opportunities, opportunities to participate in special projects, and individual financial bonuses.

"(3) DISTINGUISHED EDUCATORS.—

"(A) In order to provide assistance to schools and local educational agencies identified as needing improvement and schools participating in schoolwide programs, each State, in consultation with local educational agencies and

using funds reserved under section 1003(a) and made available under section 1002(f), shall establish a corps of distinguished educators.

"(B) When possible, distinguished educators shall be chosen from schools served under this part that have been especially successful in enabling children to meet or make outstanding progress toward meeting the State's student performance standards, such as the schools described in paragraph (2).

"(C) Distinguished educators shall provide, as part of the statewide system, intensive and sustained assistance to the schools and local educational agencies farthest from meeting the State's student performance standards and to schoolwide programs as such programs develop and implement their plans, including participation in the support teams described in paragraph (1).

"(d) IMPLEMENTATION.—In order to implement this section funds reserved under section 1003(a) and funds made available under section 1002(f) may be used by a State for release time for teachers and administrators, travel, training, and other related costs.

"(e) ALTERNATIVES.—The State may devise additional approaches to providing the assistance described in paragraphs (1) and (3) of subsection (c), such as providing assistance through institutions of higher education and educational service agencies or other local consortia, and the State may seek approval from the Secretary to use funds reserved under section 1003 and funds made available under section 1002(f) for such approaches as part of the State plan.

"SEC. 1118. PARENTAL INVOLVEMENT.

"(a) LOCAL EDUCATIONAL AGENCY POLICY.—

"(1) IN GENERAL.—A local educational agency may receive funds under this part only if such agency implements programs, activities, and procedures for the involvement of parents in programs assisted under this part consistent with the provisions of this section. Such activities shall be planned and implemented with meaningful consultation with parents of participating children.

"(2) WRITTEN POLICY.—Each local educational agency that receives funds under this part shall develop jointly with, agree upon with, and distribute to, parents of participating children a written parent involvement policy that is incorporated into the local educational agency's plan developed under section 1112, establishes the expectations for parent involvement, and describes how the local educational agency will—

"(A) involve parents in the joint development of the plan under section 1112, and the process of school review and improvement under section 1116;

"(B) provide the coordination, technical assistance, and other support necessary to assist participating schools in planning and implementing effective parent involvement;

"(C) build the schools' and parents' capacity for strong parent involvement as described in subsection (e);

"(D) coordinate and integrate parental involvement strategies under this part with parental involvement strategies under other programs, such as Head Start, Even Start, the Parents as Teachers Program, the Home Instruction Program for Preschool Youngsters, and State-run preschool programs;

"(E) conduct, with the involvement of parents, an annual evaluation of the content and effectiveness of the parental involvement policy developed under this section—

"(i) to determine the effectiveness of the policy in increasing the participation of parents; and

"(ii) to identify barriers to greater participation by parents in activities authorized by this section, giving particular attention to parents who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy, or are of any racial or ethnic minority background; and

"(F) use the findings of the evaluations described in subparagraph (E) in designing strategies for school improvement and revising, if necessary, the parental involvement policies described in this subsection and subsection (b)(1).

"(3) Reservation.—(A) Each local educational agency shall reserve not less than 1 percent of such agency's allocation under this part to carry out this section, including family literacy and parenting skills, except that this paragraph shall not apply if 1 percent of such agency's allocation under this part (other than funds allocated under section 1002(e)) for the fiscal year for which the determination is mode is $5,000 or less.

"(B) Parents of children receiving services under this part shall be involved in the decisions regarding how funds reserved under subparagraph (A) are allotted for parental involvement activities.

"(b) School Parental Involvement Policy.—

"(1) In general.—Each school served under this part shall jointly develop with, and distribute to, parents of participating children a written parental involvement policy, agreed upon by such parents, that shall describe the means for carrying out the requirements of subsections (c) through (f). Such policy shall be updated periodically to meet the changing needs of parents and the school.

"(2) Special rule.—If the school has a parental involvement policy that applies to all parents, such school may amend that policy, if necessary, to meet the requirements of this subsection.

"(3) Amendment.—If the local educational agency has a school district-level parental involvement policy that applies to all parents, such agency may amend that policy, if necessary, to meet the requirements of this subsection.

"(4) Parental comments.—If the plan under section 1112 is not satisfactory to the parents of participating children, the local educational agency shall submit any parent comments with such plan when such local educational agency submits the plan to the State.

"(c) POLICY INVOLVEMENT.—Each school served under this part shall—

"(1) convene an annual meeting, at a convenient time, to which all parents of participating children shall be invited and encouraged to attend, to inform parents of their school's participation under this part and to explain this part, its requirements, and their right to be involved;

"(2) offer a flexible number of meetings, such as meetings in the morning or evening, and may provide, with funds provided under this part, transportation, child care, or home visits, as such services relate to parental involvement;

"(3) involve parents, in an organized, ongoing, and timely way, in the planning, review, and improvement of programs under this part, including the school parental involvement policy and the joint development of the schoolwide program plan under section 1114(b), except that if a school has in place a process for involving parents in the joint planning and design of its programs, the school may use that process, if such process includes an adequate representation of parents of participating children;

"(4) provide parents of participating children—

"(A) timely information about programs under this part;

"(B) school performance profiles required under section 1116(a)(3) and their child's individual student assessment results, including an interpretation of such results, as required under section 1111(b)(3)(H);

"(C) a description and explanation of the curriculum in use at the school, the forms of assessment used to measure student progress, and the proficiency levels students are expected to meet;

"(D) opportunities for regular meetings to formulate suggestions, share experiences with other parents, and participate as appropriate in decisions relating to the education of their children if such parents so desire; and

"(E) timely responses to parents' suggestions under subparagraph (D); and

"(5) if the schoolwide program plan under section 1114(b)(2) is not satisfactory to the parents of participating children, submit any parent comments on the plan when the school makes the plan available to the local educational agency.

"(d) SHARED RESPONSIBILITIES FOR HIGH STUDENT PERFORMANCE.—As a component of the school-level parental involvement policy developed under subsection (b), each school served under this part shall jointly develop with parents for all children served under this part a school-parent compact that outlines how parents, the entire school staff, and students will share the responsibility for improved student achievement and the means by which the school and parents will build and develop a partnership to help children achieve the State's high standards. Such compact shall—

"(1) describe the school's responsibility to provide high-quality curriculum and instruction in a supportive and effective learning environment that enables the children served under this part to meet the State's student performance standards,

and the ways in which each parent will be responsible for supporting their children's learning, such as monitoring attendance, homework completion, and television watching; volunteering in their child's classroom; and participating, as appropriate, in decisions relating to the education of their children and positive use of extracurricular time; and

"(2) address the importance of communication between teachers and parents on an ongoing basis through, at a minimum—

"(A) parent-teacher conferences in elementary schools, at least annually, during which the compact shall be discussed as the compact relates to the individual child's achievement;

"(B) frequent reports to parents on their children's progress; and

"(C) reasonable access to staff, opportunities to volunteer and participate in their child's class, and observation of classroom activities.

"(e) BUILDING CAPACITY FOR INVOLVEMENT.—To ensure effective involvement of parents and to support a partnership among the school, parents, and the community to improve student achievement, each school and local educational agency—

"(1) shall provide assistance to participating parents in such areas as understanding the National Education Goals, the State's content standards and State student performance standards, the provisions of section 1111(b)(8), State and local assessments, the requirements of this part, and how to monitor a child's progress and work with educators to improve the performance of their children as well as information on how parents can participate in decisions relating to the education of their children;

"(2) shall provide materials and training, such as—

"(A) coordinating necessary literacy training from other sources to help parents work with their children to improve their children's achievement; and

"(B) training to help parents to work with their children to improve their children's achievement;

"(3) shall educate teachers, pupil services personnel, principals and other staff, with the assistance of parents, in the value and utility of contributions of parents, and in how to reach out to, communicate with, and work with parents as equal partners, implement and coordinate parent programs, and build ties between home and school;

"(4) shall coordinate and integrate parent involvement programs and activities with Head Start, Even Start, the Home Instruction Programs for Preschool Youngsters, the Parents as Teachers Program, and public preschool programs and other programs, to the extent feasible and appropriate;

"(5) shall develop appropriate roles for community-based organizations and businesses in parent involvement activities, including providing information about opportunities for organizations and businesses to work with parents and schools, and encouraging the formation of partnerships between elementary,

middle, and secondary schools and local businesses that include a role for parents;

"(6) shall conduct other activities, as appropriate and feasible, such as parent resource centers and providing opportunities for parents to learn about child development and child rearing issues beginning at the birth of a child, that are designed to help parents become full partners in the education of their children;

"(7) shall ensure, to the extent possible, that information related to school and parent programs, meetings, and other activities is sent to the homes of participating children in the language used in such homes;

"(8) may involve parents in the development of training for teachers, principals, and other educators to improve the effectiveness of such training in improving instruction and services to the children of such parents;

"(9) may provide necessary literacy training from funds received under this part if the local educational agency has exhausted all other reasonably available sources of funding for such activities;

"(10) may pay reasonable and necessary expenses associated with local parental involvement activities, including transportation and child care costs, to enable parents to participate in school-related meetings and training sessions;

"(11) may train and support parents to enhance the involvement of other parents;

"(12) may arrange meetings at a variety of times, such as in the mornings and evenings, in order to maximize the opportunities for parents to participate in school related activities;

"(13) may arrange for teachers or other educators, who work directly with participating children, to conduct in-home conferences with parents who are unable to attend such conferences at school;

"(14) may adopt and implement model approaches to improving parental involvement, such as Even Start; and

"(15) shall provide such other reasonable support for parental involvement activities under this section as parents may request.

"(f) ACCESSIBILITY.—In carrying out the parental involvement requirements of this part, local educational agencies and schools, to the extent practicable, shall provide full opportunities for the participation of parents with limited English proficiency or with disabilities, including providing information and school profiles in a language and form such parents understand.

"(g) PARENTAL INFORMATION AND RESOURCE CENTERS.—In States where parental information and resource centers have been established pursuant to section 401 of the Goals 2000: Educate America Act of 1994 (to provide training, information, and support to parents and individuals who work with parents), local educational agencies and schools receiving assistance under this part shall assist parents and parent organizations by informing such parents and organizations of the existence and purpose of such centers, providing such parents and organizations with a description of

the services and programs provided by such centers, advising parents on how to use such centers, and helping parents to contact such centers.

"SEC. 1119. PROFESSIONAL DEVELOPMENT.

"(a) PROGRAM REQUIREMENTS.—

"(1) IN GENERAL.—Each local educational agency receiving assistance under this part shall provide high-quality professional development that will improve the teaching of the academic subjects, consistent with the State content standards, in order to enable all children to meet the State's student performance standards.

"(2) PROGRAM DESIGN.—Such professional development activities shall be designed by principals, teachers, and other school staff in schools receiving assistance under this part.

"(b) PROFESSIONAL DEVELOPMENT ACTIVITIES.—

"(1) REQUIRED ACTIVITIES.—Such professional development activities shall—

"(A) support instructional practices that are geared to challenging State content standards and create a school environment conducive to high achievement in the academic subjects;

"(B) support local educational agency plans under section 1112 and school plans under section 1114;

"(C) draw on resources available under this part, title III of the Goals 2000: Educate America Act, title II of this Act, and from other sources;

"(D) where appropriate, as determined by the local educational agency, include strategies for developing curricula and teaching methods that integrate academic and vocational instruction (including applied learning and team teaching strategies); and

"(E) include strategies for identifying and eliminating gender and racial bias in instructional materials, methods, and practices.

"(2) OPTIONAL ACTIVITIES.—Such professional development activities may include—

"(A) instruction in the use of assessments;

"(B) instruction in ways that teachers, principals, pupil services personnel, and school administrators may work more effectively with parents;

"(C) the forming of partnerships with institutions of higher education to establish school-based teacher training programs that provide prospective teachers and novice teachers with an opportunity to work under the guidance of experienced teachers and college faculty;

"(D) instruction in the use of technology;

"(E) the creation of career ladder programs for paraprofessionals (assisting teachers under this part) to obtain the education necessary for such paraprofessionals to become licensed and certified teachers;

"(F) instruction in ways to teach special needs children;

"(G) instruction in gender-equitable education methods, techniques, and practices;

"(H) joint professional development activities involving programs under this part, Head Start, Even Start, or State-run preschool program personnel; and

"(I) instruction in experiential-based teaching methods such as service learning.

"(c) Program Participation.—Each local educational agency receiving assistance under this part is encouraged to design professional development programs so that—

"(1) all school staff in schools participating in a schoolwide program under section 1114 can participate in professional development activities; and

"(2) all school staff in targeted assistance schools may participate in professional development activities if such participation will result in better addressing the needs of students served under this part.

"(d) Parental Participation.—Parents may participate in professional development activities under this part if the school determines that parental participation is appropriate.

"(e) Consortia.—In carrying out such professional development programs, local educational agencies may provide services through consortia arrangements with other local educational agencies, educational service agencies or other local consortia, institutions of higher education, or other public or private institutions or organizations.

"(f) Effective Teaching Strategies.—Knowledge of effective teaching strategies that is gained through professional development activities under this section may be shared with teachers who are not participating in targeted assistance programs under this part.

"(g) Combinations of Funds.—Funds provided under this part that are used for professional development purposes may be combined with funds provided under title II of this Act, title III of the Goals 2000: Educate America Act, and other sources.

"(h) State Review.—

"(1) In general.—The State educational agency shall review the local educational agency's plan under section 1112(b) to determine if such agency's professional development activities—

"(A) are tied to challenging State student content and student performance standards;

"(B) reflect research on teaching and learning where possible;

"(C) are designed to have a positive impact on the teacher's performance in the classroom;

"(D) contribute to continuous improvement in the classroom or throughout the school;

"(E) include methods to teach children with special needs;

"(F) are developed with the extensive participation of teachers; and

"(G) include gender-equitable education methods, techniques, and practices.

"(2) Technical assistance.—If a local educational agency's plan for professional development does not include the activities described in paragraph (1), the State educational agency

shall provide technical assistance to such local educational agencies to enable such agencies to make progress toward inclusion of such activities in the local educational agency's professional development activities.

"(3) SPECIAL RULE.—No State educational agency shall require a school or a local educational agency to expend a specific amount of funds for professional development activities under this part, except that this paragraph shall not apply with respect to requirements under section 1116(d)(6).

"(i) INSTRUCTIONAL AIDES.—

"(1) IN GENERAL.—If a local educational agency uses funds received under this part to employ instructional aides, the local educational agency shall ensure that such aides—

"(A) possess the knowledge and skills sufficient to assist participating children in meeting the educational goals of this part;

"(B)(i) have a secondary school diploma, or its recognized equivalent, or earn either within two years of employment, except that a local educational agency may employ an instructional aide that does not meet the requirement of this subparagraph if such aide possesses proficiency in a language other than English that is needed to enhance the participation of children in programs under this part; and

"(C) are under the direct supervision of a teacher who has primary responsibility for providing instructional services to eligible children.

"(2) INCLUSION IN ACTIVITIES.—Each local educational agency receiving funds under this part, when feasible, shall include instructional aides in professional development activities.

"SEC. 1120. PARTICIPATION OF CHILDREN ENROLLED IN PRIVATE SCHOOLS.

"(a) GENERAL REQUIREMENT.—

"(1) IN GENERAL.—To the extent consistent with the number of eligible children identified under section 1115(b) in a local educational agency who are enrolled in private elementary and secondary schools, a local educational agency shall, after timely and meaningful consultation with appropriate private school officials, provide such children, on an equitable basis, special educational services or other benefits under this part (such as dual enrollment, educational radio and television, computer equipment and materials, other technology, and mobile educational services and equipment).

"(2) SECULAR, NEUTRAL, NONIDEOLOGICAL.—Such educational services or other benefits, including materials and equipment, shall be secular, neutral, and nonideological.

"(3) EQUITY.—Educational services and other benefits for such private school children shall be equitable in comparison to services and other benefits for public school children participating under this part.

"(4) EXPENDITURES.—Expenditures for educational services and other benefits to eligible private school children shall be equal to the proportion of funds allocated to participating school attendance areas based on the number of children from low-income families who attend private schools.

"(5) PROVISION OF SERVICES.—The local educational agency may provide such services directly or through contracts with public and private agencies, organizations, and institutions.

"(b) CONSULTATION.—

"(1) IN GENERAL.—To ensure timely and meaningful consultation, a local educational agency shall consult with appropriate private school officials during the design and development of such agency's programs under this part, on issues such as—

"(A) how the children's needs will be identified;

"(B) what services will be offered;

"(C) how and where the services will be provided;

"(D) how the services will be assessed; and

"(E) the size and scope of the equitable services to be provided to the eligible private school children, and what is the proportion of funds allocated under subsection (a)(4) for such services.

"(2) TIMING.—Such consultation shall occur before the local educational agency makes any decision that affects the opportunities of eligible private school children to participate in programs under this part.

"(3) DISCUSSION.—Such consultation shall include a discussion of service delivery mechanisms a local educational agency can use to provide equitable services to eligible private school children.

"(c) PUBLIC CONTROL OF FUNDS.—

"(1) IN GENERAL.—The control of funds provided under this part, and title to materials, equipment, and property purchased with such funds, shall be in a public agency, and a public agency shall administer such funds and property.

"(2) PROVISION OF SERVICES.—(A) The provision of services under this section shall be provided—

"(i) by employees of a public agency; or

"(ii) through contract by such public agency with an individual, association, agency, or organization.

"(B) In the provision of such services, such employee, person, association, agency, or organization shall be independent of such private school and of any religious organization, and such employment or contract shall be under the control and supervision of such public agency.

"(d) STANDARDS FOR A BYPASS.—If a local educational agency is prohibited by law from providing for the participation on an equitable basis of eligible children enrolled in private elementary and secondary schools or if the Secretary determines that a local educational agency has substantially failed or is unwilling to provide for such participation, as required by this section, the Secretary shall—

"(1) waive the requirements of this section for such local educational agency; and

"(2) arrange for the provision of services to such children through arrangements that shall be subject to the requirements of this section and sections 14505 and 14506.

"(e) CAPITAL EXPENSES.—

"(1) IN GENERAL.—(A) From the amount appropriated for this subsection under section 1002(e) for any fiscal year, each State is eligible to receive an amount that bears the same ratio to the amount so appropriated as the number of private school children who received services under this part in the State in the most recent year for which data satisfactory to the Secretary are available bears to the number of such children in all States in that same year.

"(B) The Secretary shall reallocate any amounts allocated under subparagraph (A) that are not used by a State for the purpose of this subsection to other States on the basis of their respective needs, as determined by the Secretary.

"(2) CAPITAL EXPENSES.—(A) A local educational agency may apply to the State educational agency for payments for capital expenses consistent with this subsection.

"(B) State educational agencies shall distribute such funds under this subsection to local educational agencies based on the degree of need set forth in their respective applications for assistance under this subsection.

"(3) USES OF FUNDS.—Any funds appropriated to carry out this subsection shall be used only for capital expenses incurred to provide equitable services for private school children under this section.

"(4) DEFINITION.—For the purpose of this subsection, the term 'capital expenses' means—

"(A) expenditures for noninstructional goods and services, such as the purchase, lease, or renovation of real and personal property, including mobile educational units and leasing of neutral sites or spaces;

"(B) insurance and maintenance costs;

"(C) transportation; and

"(D) other comparable goods and services.

"SEC. 1120A. FISCAL REQUIREMENTS.

"(a) MAINTENANCE OF EFFORT.—A local educational agency may receive funds under this part for any fiscal year only if the State educational agency finds that the local educational agency has maintained its fiscal effort in accordance with section 14501 of this Act.

"(b) FEDERAL FUNDS TO SUPPLEMENT, NOT SUPPLANT, NON-FEDERAL FUNDS.—

"(1) IN GENERAL.—(A) Except as provided in subparagraph (B), a State or local educational agency shall use funds received under this part only to supplement the amount of funds that would, in the absence of such Federal funds, be made available from non-Federal sources for the education of pupils participating in programs assisted under this part, and not to supplant such funds.

"(B) For the purpose of complying with subparagraph (A), a State or local educational agency may exclude supplemental State and local funds expended in any eligible school attendance area or school for programs that meet the requirements of section 1114 or 1115.

"(2) SPECIAL RULE.—No local educational agency shall be required to provide services under this part through a particular instructional method or in a particular instructional setting in order to demonstrate such agency's compliance with paragraph (1).

"(c) COMPARABILITY OF SERVICES.—

"(1) IN GENERAL.—(A) Except as provided in paragraphs (4) and (5), a local educational agency may receive funds under this part only if State and local funds will be used in schools served under this part to provide services that, taken as a whole, are at least comparable to services in schools that are not receiving funds under this part.

"(B) If the local educational agency is serving all of such agency's schools under this part, such agency may receive funds under this part only if such agency will use State and local funds to provide services that, taken as a whole, are substantially comparable in each school.

"(C) A local educational agency may meet the requirements of subparagraphs (A) and (B) on a grade-span by grade-span basis or a school-by-school basis.

"(2) WRITTEN ASSURANCE.—(A) A local educational agency shall be considered to have met the requirements of paragraph (1) if such agency has filed with the State educational agency a written assurance that such agency has established and implemented—

"(i) a local educational agency-wide salary schedule;

"(ii) a policy to ensure equivalence among schools in teachers, administrators, and other staff; and

"(iii) a policy to ensure equivalence among schools in the provision of curriculum materials and instructional supplies.

"(B) For the purpose of subparagraph (A), in the determination of expenditures per pupil from State and local funds, or instructional salaries per pupil from State and local funds, staff salary differentials for years of employment shall not be included in such determinations.

"(C) A local educational agency need not include unpredictable changes in student enrollment or personnel assignments that occur after the beginning of a school year in determining comparability of services under this subsection.

"(3) PROCEDURES AND RECORDS.—Each local educational agency assisted under this part shall—

"(A) develop procedures for compliance with this subsection; and

"(B) maintain records that are updated biennially documenting such agency's compliance with this subsection.

"(4) INAPPLICABILITY.—This subsection shall not apply to a local educational agency that does not have more than one building for each grade span.

"(5) COMPLIANCE.—For the purpose of determining compliance with paragraph (1), a local educational agency may exclude State and local funds expended for—

"(A) bilingual education for children of limited English proficiency; and

"(B) excess costs of providing services to children with disabilities as determined by the local educational agency.

"SEC. 1120B. COORDINATION REQUIREMENTS.

"(a) IN GENERAL.—Each local educational agency receiving assistance under this part shall carry out the activities described in subsection (b) to the extent feasible and appropriate to the circumstances, including the extent to which such local educational agency is able to secure the cooperation of parents and local Head Start agencies and, if feasible, other early childhood development programs.

"(b) ACTIVITIES.—The activities referred to in subsection (a) are activities that increase coordination between the local educational agency and a Head Start agency, and, if feasible, other early childhood development programs, serving children who will attend the schools of such agency, including—

"(1) developing and implementing a systematic procedure for receiving records regarding such children transferred with parental consent from a Head Start program or, where applicable, other early childhood development programs;

"(2) establishing channels of communication between school staff and their counterparts in such Head Start agencies (including teachers, social workers, and health staff) or other early childhood development programs, as appropriate, to facilitate coordination of programs;

"(3) conducting meetings involving parents, kindergarten or elementary school teachers, and Head Start teachers or, if appropriate, teachers from other early childhood development programs, to discuss the developmental and other needs of individual children; and

"(4) organizing and participating in joint transition related training of school staff, Head Start staff, and, where appropriate, other early childhood staff.

"(c) COORDINATION OF REGULATIONS.—The Secretary shall work with the Secretary of Health and Human Services to coordinate regulations promulgated under this part with regulations promulgated under the Head Start Act Amendments of 1994.

"Subpart 2—Allocations

"SEC. 1121. GRANTS FOR THE OUTLYING AREAS AND THE SECRETARY OF THE INTERIOR.

"(a) RESERVATION OF FUNDS.—From the amount appropriated for payments to States for any fiscal year under section 1002(a), the Secretary shall reserve a total of 1 percent to provide assistance to—

"(1) the outlying areas on the basis of their respective need for such assistance according to such criteria as the Secretary determines will best carry out the purpose of this part; and

"(2) the Secretary of the Interior in the amount necessary to make payments pursuant to subsection (c).

"(b) ASSISTANCE TO THE OUTLYING AREAS.—

"(1) IN GENERAL.—From amounts made available under subsection (a) in each fiscal year the Secretary shall make grants to local educational agencies in the outlying areas (other than the outlying areas assisted under paragraph (3)).

"(2) COMPETITIVE GRANTS.—(A) The Secretary shall reserve $5,000,000 from the amounts made available under subsection (a) in each fiscal year to award grants on a competitive basis, to local educational agencies in the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau. The Secretary shall award such grants according to the recommendations of the Pacific Region Educational Laboratory which shall conduct a competition for such grants.

"(B) Except as provided in subparagraph (D), grant funds awarded under this part only may be used for programs described in this Act, including teacher training, curriculum development, instructional materials, or general school improvement and reform.

"(C) Grant funds awarded under this paragraph only may be used to provide direct educational services.

"(D) The Secretary may provide 5 percent of the amount made available for grants under this paragraph to pay the administrative costs of the Pacific Region Educational Laboratory regarding activities assisted under this paragraph.

"(c) ALLOTMENT TO THE SECRETARY OF THE INTERIOR.—

"(1) IN GENERAL.—The amount allotted for payments to the Secretary of the Interior under subsection (a)(2) for any fiscal year shall be, as determined pursuant to criteria established by the Secretary, the amount necessary to meet the special educational needs of—

"(A) Indian children on reservations served by elementary and secondary schools for Indian children operated or supported by the Department of the Interior; and

"(B) out-of-State Indian children in elementary and secondary schools in local educational agencies under special contracts with the Department of the Interior.

"(2) PAYMENTS.—From the amount allotted for payments to the Secretary of the Interior under subsection (a)(2), the Secretary of the Interior shall make payments to local educational agencies, upon such terms as the Secretary determines will best carry out the purposes of this part, with respect to out-of-State Indian children described in paragraph (1). The amount of such payment may not exceed, for each such child, the greater of—

"(A) 40 percent of the average per pupil expenditure in the State in which the agency is located; or

"(B) 48 percent of such expenditure in the United States.

"SEC. 1122. ALLOCATIONS TO STATES.

"(a) IN GENERAL.—

"(1) FISCAL YEAR 1995.—For fiscal year 1995, appropriations for this part shall be allocated according to the provisions of sections 1005, except subsection (a)(3), and 1006, part A of chapter 1 of title I, Elementary and Secondary Education Act of 1965, as in effect on September 30, 1994, except that the State minimum for section 1005 shall be the lesser of 0.25 percent of total appropriations or the average of 0.25 percent of total appropriations and 150 percent of the national average

grant per child counted for grants under section 1005 multiplied by the State's number of children counted for such grants, and for grants under section 1006, the State minimum shall be the lesser of—

"(A) 0.25 percent of total appropriations; and

"(B) the average of—

"(i) 0.25 percent of total appropriations; and

"(ii) the greater of 150 percent of the national average grant per child counted for grants under such section 1006 multiplied by the State total number of such children, or $340,000.

"(2) SUCCEEDING FISCAL YEARS.—For fiscal years 1996 through 1999, an amount of the appropriations for this part equal to the appropriation for fiscal year 1995 for section 1005, shall be allocated in accordance with section 1124, and an amount equal to the appropriation for fiscal year 1995 for section 1006 shall be allocated in accordance with section 1124A. Any additional appropriations under section 1002(a) for any fiscal year, after application of the preceding sentence, shall be allocated in accordance with section 1125.

"(b) ADJUSTMENTS WHERE NECESSITATED BY APPROPRIATIONS.—

"(1) IN GENERAL.—If the sums available under this part for any fiscal year are insufficient to pay the full amounts that all local educational agencies in States are eligible to receive under sections 1124, 1124A, and 1125 for such year, the Secretary shall ratably reduce the allocations to such local educational agencies, subject to subsections (c) and (d) of this section.

"(2) ADDITIONAL FUNDS.—If additional funds become available for making payments under sections 1124, 1124A, and 1125 for such fiscal year, allocations that were reduced under paragraph (1) shall be increased on the same basis as they were reduced.

"(c) HOLD-HARMLESS AMOUNTS.—

"(1) IN GENERAL.—For fiscal year 1995, notwithstanding subsection (b) and without regard to amounts available for delinquent children under subpart 2 of part D, the amount made available to each local educational agency under such section 1005 shall be at least 85 percent of the amount such local educational agency received for the preceding year under such section 1005.

"(2) FISCAL YEAR 1996.—Notwithstanding subsection (b) and without regard to amounts available for delinquent children under subpart 2 of part D, for fiscal year 1996 the total amount made available to each local educational agency under each of sections 1124 and 1124A for any fiscal year shall be at least 100 percent of the total amount such local educational agency was allocated under such sections (or their predecessor authorities) for the preceding fiscal year.

"(3) FISCAL YEAR 1997–1999.—For fiscal years 1997 through 1999, notwithstanding subsection (b) and without regard to amounts available for delinquent children under subpart 2 of part D, the amount made available to each local educational agency under each of sections 1124 and 1125 shall be at least

95 percent of the previous year's amount if the number of children counted for grants under section 1124 is at least 30 percent of the total number of children aged 5 to 17 years, inclusive, in the local educational agency, 90 percent of the previous year amount if this percentage is between 15 percent and 30 percent, and 85 percent if this percentage is below 15 percent. For fiscal years 1997 and 1998, in calculating grants on the basis of population data for counties, the Secretary shall apply the hold-homeless percentages in the preceding sentence to counties. For fiscal years 1996 through 1998, if the Secretary's allocation for a county is not sufficient to meet the hold-harmless requirements of this paragraph for every local educational agency within that county, then the State educational agency shall reallocate funds proportionately from all other local educational agencies in the State that are receiving funds in excess of the hold-harmless amounts specified in this paragraph.

"(d) RATABLE REDUCTIONS.—

"(1) IN GENERAL.—If the sums made available under this part for any fiscal year are insufficient to pay the full amounts that all States are eligible to receive under subsection (a) for such year, the Secretary shall ratably reduce such amounts for such year.

"(2) ADDITIONAL FUNDS.—If additional funds become available for making payments under subsection (a) for such fiscal year, amounts that were reduced under paragraph (1) shall be increased on the same basis as such amounts reduced.

"(e) DEFINITION.—For the purpose of this section and sections 1124 and 1125, the term State means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

"SEC. 1124. BASIC GRANTS TO LOCAL EDUCATIONAL AGENCIES.

"(a) AMOUNT OF GRANTS.—

"(1) GRANTS FOR LOCAL EDUCATIONAL AGENCIES AND PUERTO RICO.—The grant which a local educational agency in a State is eligible to receive under this subpart for a fiscal year shall (except as provided in section 1126), be determined by multiplying the number of children counted under subsection (c) by 40 percent of the amount determined under the next sentence. The amount determined under this sentence shall be the average per pupil expenditure in the State except that—

"(A) if the average per pupil expenditure in the State is less than 80 percent of the average per pupil expenditure in the United States, such amount shall be 80 percent of the average per pupil expenditure in the United States; or

"(B) if the average per pupil expenditure in the State is more than 120 percent of the average per pupil expenditure in the United States, such amount shall be 120 percent of the average per pupil expenditure in the United States.

"(2) BASIS FOR CALCULATING GRANTS.—For fiscal years 1995 through 1998, grants shall be calculated by the Secretary on the basis of the number of children counted under subsection (c) for counties, and State educational agencies shall suballocate county amounts to local educational agencies, in accordance with regulations published by the Secretary. In any State in which a large number of local educational agencies

overlap county boundaries, the State educational agency may apply to the Secretary for authority during any particular fiscal year to make the allocations under this part (other than section 1124A) directly to local educational agencies without regard to the counties. If the Secretary approves an application of a State educational agency for a particular year under this subparagraph, the State educational agency shall provide assurances that—

"(A) such allocations will be made using precisely the same factors for determining a grant as are used under this part;

"(B) such allocations will be made using alternative data approved by the Secretary that the State determines best reflects the distribution of children in poor families and is adjusted to be equivalent in proportion to the number of children determined in accordance with subsection (c); or

"(C) such allocations will be made using data that the State educational agency submits to the Secretary for approval that more accurately target poverty.

In addition, the State educational agency shall provide assurances that a procedure will be established through which local educational agencies dissatisfied with the determinations made by the State educational agency may appeal directly to the Secretary for a final determination. Beginning in fiscal year 1999, grants shall be calculated by the Secretary on the basis of population data compiled for local educational agencies, unless the Secretary and the Secretary of Commerce determine that use of the updated population data would be inappropriate or unreliable taking into consideration the recommendations of the study to be conducted by the National Academy of Sciences. If the Secretary and the Secretary and the Secretary of Commerce determine that some or all of the data referred to in this paragraph are inappropriate or unreliable, the Secretaries shall jointly issue a report setting forth their reasons in detail. In years when grants are calculated by the Secretary on the basis of local educational agency data, for each local educational agency serving an area with a total population of at least 20,000 persons, the grant under this section shall be the amount determined by the Secretary. For local educational agencies serving areas with total populations of fewer than 20,000 persons, the State educational agency may either—

"(i) distribute to such local educational agencies grants under this section equal to the amounts determined by the Secretary; and

"(ii) use an alternative method, approved by the Secretary, to distribute the share of the State's total grants under this section that is based on local educational agencies with total populations of fewer than 20,000 persons. Such an alternative method of distributing grants under this section among a State's local educational agencies serving areas with total populations of fewer than 20,000 persons shall be based upon population data that the State

educational agency determines best reflect the current distribution of children in poor families among the State's local educational agencies serving areas with total populations of fewer than 20,000 persons. If a local educational agency serving an area with total population of less than 20,000 persons is dissatisfied with the determination of its grant by the State education agency, then such local educational agency may appeal this determination to the Secretary. The Secretary must respond to this appeal within 45 days of receipt.

"(3) PUERTO RICO.—For each fiscal year, the Secretary shall determine the percentage which the average per pupil expenditure in the Commonwealth of Puerto Rico is of the lowest average per pupil expenditure of any of the 50 States. The grant which the Commonwealth of Puerto Rico shall be eligible to receive under this section for a fiscal year shall be the amount arrived at by multiplying the number of children counted under subsection (c) for the Commonwealth of Puerto Rico by the product of—

"(A) the percentage determined under the preceding sentence; and

"(B) 32 percent of the average per pupil expenditure in the United States.

"(4) DEFINITION.—For purposes of this subsection, the term 'State' does not include Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and Palau.

"(b) MINIMUM NUMBER OF CHILDREN TO QUALIFY.—Subject to the succeeding sentence, a local educational agency shall be eligible for a basic grant for a fiscal year under this subpart only if the number of children counted under subsection (c) in the school district of such local educational agency is at least 10. Beginning in fiscal year 1996, no local educational agency shall be eligible for a grant under this section if the number of children counted for grants under this section is equal to 2 percent or less of the total school age population in the local educational agency. For fiscal years 1996 through 1998, grants not made as a result of applying the preceding sentence shall be reallocated by the State educational agency to other eligible local educational agencies in the State in proportion to the distribution of other funds under this section.

"(c) CHILDREN TO BE COUNTED.—

"(1) CATEGORIES OF CHILDREN.—The number of children to be counted for purposes of this section is the aggregate of—

"(A) the number of children aged 5 to 17, inclusive, in the school district of the local educational agency from families below the poverty level as determined under paragraph (2);

"(B) the number of children aged 5 to 17, inclusive, in the school district of such agency from families above the poverty level as determined under paragraph (5); and

"(C) the number of children aged 5 to 17, inclusive, in the school district of such agency in institutions for neglected and delinquent children (other than such institutions operated by the United States), but not counted pursuant to subpart 1 of part D for the purposes of a grant to

a State agency, or being supported in foster homes with public funds.

"(2) DETERMINATION OF NUMBER OF CHILDREN.—For the purposes of this section, the Secretary shall determine the number of children aged 5 to 17, inclusive, from families below the poverty level on the basis of the most recent satisfactory data, described in paragraph (3), available from the Department of Commerce. For fiscal year 1999 and beyond, the District of Columbia and the Commonwealth of Puerto Rico shall be treated as individual local educational agencies. If a local educational agency contains two or more counties in their entirety, then each county will be treated as if such county were a separate local educational agency for purposes of calculating grants under this part. The total of grants for such counties shall be allocated to such a local educational agency, which local educational agency shall distribute to schools in each county within such agency a share of the local educational agency's total grant that is no less than the county's share of the population counts used to calculate the local educational agency's grant.

"(3) POPULATION UPDATES.—In fiscal year 1997 and every 2 years thereafter, the Secretary shall use updated data on the number of children, aged 5 to 17, inclusive, from families below the poverty level for counties or local educational agencies, published by the Department of Commerce, unless the Secretary and the Secretary of Commerce determine that use of the updated population data would be inappropriate or unreliable, taking into consideration the recommendations of the study to be conducted by the National Academy of Sciences. If the Secretary and the Secretary of Commerce determine that some or all of the data referred to in this paragraph are inappropriate or unreliable, they shall jointly issue a report setting forth their reasons in detail. In determining the families which are below the poverty level, the Secretary shall utilize the criteria of poverty used by the Bureau of the Census in compiling the most recent decennial census, in such form as those criteria have been updated by increases in the Consumer Price Index for all urban consumers, published by the Bureau of Labor Statistics.

"(4) STUDY.—(A) The Secretary of Education shall, within 30 days after the date of enactment of the Improving America's School's Act of 1994, contract with the National Academy of Sciences (hereafter in this section referred to as the 'Academy') to study the program to produce intercensal poverty data for small geographic areas and certain age cohorts being developed by the Bureau of the Census.

"(B) In conducting its study, the Academy shall consider such matters as—

"(i) the methodology used to produce and publish intercensal poverty data, and possible alternative methods to improve the usefulness of the data for Federal program purposes;

"(ii) the availability of alternative indicators of poverty for small geographic areas, against which the poverty data produced and published by the Bureau of the Census could be compared;

"(iii) the reliability of the poverty data produced and published by the Bureau of the Census, particularly for less populous geographic areas;

"(iv) the reliability of intercensal poverty data produced and published by the Bureau of the Census, as compared over time to similar data produced by the Bureau of the Census during the most recent decennial census; and

"(v) the usefulness of poverty data produced and published by the Bureau of the Census for Federal programs that allocate funds to State and sub-State areas based, in whole or in part, on such data.

"(C) The Academy shall submit to the Secretary and the Secretary of Commerce, as well as to the Committee on Education and Labor and the Committee on Post Office and Civil Service of the House of Representatives and the Committee on Labor and Human Resources and the Committee on Governmental Affairs of the Senate—

"(i) not later than 18 months after the date on which a contract is entered into under subsection (a), and not later than every 18 months thereafter, such interim reports on the Academy's activities under this Act that the Academy deems appropriate, including a detailed statement of the Academy's findings and conclusions with respect to any poverty data which the Bureau of the Census publishes and produces, within 90 days of such publication; and

"(ii) not later than December 31, 1998, a final report which shall include a more detailed statement of the Academy's findings and conclusions with respect to the use of any intercensal poverty data produced and published by the Bureau of the Census as the basis for allocating Federal funds under this Act.

"(D) Of the funds appropriated under section 1002(f) of this Act, the Secretary shall use such sums as are necessary in each of fiscal years 1995, 1996, 1997, 1998, and 1999 to carry out the provisions of this paragraph.

"(5) OTHER CHILDREN TO BE COUNTED.—For purposes of this section, the Secretary shall determine the number of children aged 5 to 17, inclusive, from families above the poverty level on the basis of the number of such children from families receiving an annual income, in excess of the current criteria of poverty, from payments under the program of aid to families with dependent children under a State plan approved under title IV of the Social Security Act; and in making such determinations the Secretary shall utilize the criteria of poverty used by the Bureau of the Census in compiling the most recent decennial census for a family of 4 in such form as those criteria have been updated by increases in the Consumer Price Index for all urban consumers, published by the Bureau of Labor Statistics. The Secretary shall determine the number of such children and the number of children of such ages living in institutions for neglected or delinquent children, or being supported in foster homes with public funds, on the basis of the caseload data for the month of October of the preceding fiscal year (using, in the case of children described in the preceding sentence, the criteria *of poverty and the form of such criteria required by such sentence which were determined for the calendar year preceding such month of October) or, to the extent that such data are not available to the Secretary before January of the calendar year in which the Secretary's determination is made, then on the basis of the most recent reliable data available to the Secretary at the time of such determination. The Secretary of Health and Human Services shall collect and transmit the information required by this subparagraph to the Secretary not later than January 1 of each year.*

"(6) ESTIMATE.—When requested by the Secretary, the Secretary of Commerce shall make a special updated estimate of the number of children of such ages who are from families below the poverty level (as determined under subparagraph (A) of this paragraph) in each school district, and the Secretary is authorized to pay (either in advance or by way of reimbursement) the Secretary of Commerce the cost of making this special estimate. The Secretary of Commerce shall give consideration to any request of the chief executive of a State for the collection of additional census information. For purposes of this section, the Secretary shall consider all children who are in correctional institutions to be living in institutions for delinquent children.

"(d) STATE MINIMUM.—Notwithstanding subsections (b)(1) or (d) of section 1122, the aggregate amount allotted for all local educational agencies within a State may not be less than the lesser of—

"(1) 0.25 percent of total grants under this section; or

"(2) the average of—

"(A) one-quarter of 1 percent of the total amount available for such fiscal year under this section; and

"(B) the number of children in such State counted under subsection (c) in the fiscal year multiplied by 150 percent of the national average per pupil payment made with funds available under this section for that year.

"SEC. 1124A. CONCENTRATION GRANTS TO LOCAL EDUCATIONAL AGENCIES.

"(a) ELIGIBILITY FOR AND AMOUNT OF GRANTS.—

"(1) IN GENERAL.—(A) Except as otherwise provided in this paragraph, each local educational agency, in a State other than Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, and Palau, which is eligible for a grant under this part for any fiscal year shall be eligible for an additional grant under this section for that fiscal year if—

"(i) the number of children counted under section 1124(c) in the county (for fiscal years 1996 through 1998), or local educational agency (for fiscal years beginning with 1999) for the fiscal year exceeds 6,500; or

"(ii) the number of children counted under section 1124(c) exceeds 15 percent of the total number of children aged 5 to 17, inclusive, in the county (for fiscal years 1996 through 1998), or local educational agency (for fiscal years beginning with 1999) in that fiscal year.

"(B) Notwithstanding such subsections (b)(1) and (d) of section 1122, no State described in subparagraph (A) shall receive less than the lesser of—

"(i) 0.25 percent of total grants; or

"(ii) the average of—

"(I) one-quarter of 1 percent of the sums available to carry out this section for such fiscal year; and

"(II) the greater of—

"(aa) $340,000; or

"(bb) the number of children in such State counted for purposes of this section in that fiscal year multiplied by 150 percent of the national average per pupil payment made with funds available under this section for that year.

"(2) SPECIAL RULE.—For each county or local educational agency eligible to receive an additional grant under this section for any fiscal year the Secretary shall determine the product of—

"(A) the number of children counted under section 1124(c) for that fiscal year; and

"(B) the quotient resulting from the division of the amount determined for those agencies under section 1124(a)(1) for the fiscal year for which the determination is being made divided by the total number of children counted under section 1124(c) for that agency for fiscal year.

"(3) AMOUNT.—The amount of the additional grant for which an eligible local educational agency or county is eligible under this section for any fiscal year shall be an amount which bears the same ratio to the amount available to carry out this section for that fiscal year as the product determined under paragraph (2) for such local educational agency for that fiscal year bears to the sum of such products for all local educational agencies in the United States for that fiscal year.

"(4) SUBALLOCATION.—For fiscal years 1996 through 1998, county amounts shall be suballocated to local educational agencies meeting the criteria of paragraph (1)(A) by State educational agencies, in accordance with regulations published by the Secretary. For fiscal years 1995 through 1998, grants shall be calculated by the Secretary on the basis of the number of children counted under section 1124(c) for counties, and State educational agencies shall suballocate county amounts to local educational agencies, in accordance with regulations published by the Secretary. In any State in which a large number of local educational agencies overlap county boundaries, the State educational agency may apply to the Secretary for authority during any particular fiscal year to make the allocations under this part (other than this section) directly to local educational agencies without regard to the counties. If the Secretary approves an application of a State educational agency for a particular year under this paragraph, the State educational agency shall provide assurances that—

"(A) such allocations will be made using precisely the same factors for determining a grant as are used under this part;

"(B) such allocations will be made using alternative data approved by the Secretary that the State determines best reflects the distribution of children in poor families and is adjusted to be equivalent in proportion to the number of children determined in accordance with section 1124(c); or

"(C) such allocations will be made using data that the State educational agency submits to the Secretary for approval that more accurately target poverty.

In addition, the State educational agency shall provide assurances that a procedure will be established through which local educational agencies dissatisfied with the determinations made by the State educational agency may appeal directly to the Secretary for a final determination. A State may reserve not more than 2 percent of its allocations in fiscal years 1996 through 1998 under this section for the purpose of making grants to local educational agencies that meet the criteria of clause (i) or (ii) of paragraph (1)(A), but are in ineligible counties. For fiscal years beginning with 1999, for each local educational agency serving an area with a total population of at least 20,000 persons, the grant under this section shall be the amount determined by the Secretary. For local educational agencies serving areas with total populations of fewer than 20,000 persons, the State educational agency may either (i) distribute to such local educational agencies grants under this section equal to the amounts determined by the Secretary; or (ii) use an alternative method, approved by the Secretary, to distribute the share of the State's total grants under this section that is based on local educational agencies with total populations of fewer than 20,000 persons. Such an alternative method of distributing grants under this section among a State's local educational agencies serving areas with total populations of fewer than 20,000 persons shall be based upon population data that the State educational agency determines best reflects the current distribution of children in poor families among the State's local educational agencies serving areas with total populations of fewer than 20,000 persons and meeting the eligibility criteria of paragraph (1)(A). If a local educational agency serving an area with total population of less than 20,000 persons is dissatisfied with the determination of its grant by the State educational agency, then such local educational agency may appeal this determination to the Secretary. The Secretary shall respond to this appeal within 45 days of receipt. The Secretary shall consult with the Secretary of Commerce regarding whether available data on population for local educational agencies serving areas with total populations of fewer than 20,000 persons are sufficiently reliable to be used to determine final grants to such areas meeting the eligibility criteria of paragraph (1)(A).

"(b) RESERVATION OF FUNDS.—Of the total amount of funds available for this section and sections 1124 and 1125, an amount equal to the appropriation for fiscal year 1995 for section 1006 of this Act (as such section was in effect on the day preceding the date of enactment of this Act) shall be available to carry out this section.

"(c) RATABLE REDUCTION RULE.—If the sums available under subsection (b) for any fiscal year for making payments under this section are not sufficient to pay in full the total amounts which all States are eligible to receive under subsection (a) for such fiscal year, the maximum amounts which all States are eligible to receive under subsection (a) for such fiscal year shall be ratably reduced. In the case that additional funds become available for making such payments for any fiscal year during which the preceding sentence is applicable, such reduced amounts shall be increased on the same basis as they were reduced.

"(d) STATES RECEIVING MINIMUM GRANTS.—In States that receive the minimum grant under subsection (a)(1)(B), the State educational agency shall allocate such funds among the local educational agencies in each State either—

"(1) in accordance with paragraphs (2) and (4) of subsection (a); or

"(2) based on their respective concentrations and numbers of children counted under section 1124(c), except that only those local educational agencies with concentrations or numbers of children counted under section 1124(c) that exceed the statewide average percentage of such children or the statewide average number of such children shall receive any funds on the basis of this paragraph.

"SEC. 1125. TARGETED GRANTS TO LOCAL EDUCATIONAL AGENCIES.

"(a) ELIGIBILITY OF LOCAL EDUCATIONAL AGENCIES.—A local educational agency in a State is eligible to receive a targeted grant under this section for any fiscal year if the number of children in the local educational agency counted under subsection 1124(c), before application of the weighting factor described in subsection (c), is at least 10, and if the number of children counted for grants under section 1124 is at least 5 percent of the total population aged 5 to 17 years, inclusive, in the local educational agency. Funds made available as a result of applying this subsection shall be reallocated by the State educational agency to other eligible local educational agencies in the State in proportion to the distribution of other funds under this section.

"(b) GRANTS FOR LOCAL EDUCATIONAL AGENCIES, THE DISTRICT OF COLUMBIA, AND PUERTO RICO.—

"(1) IN GENERAL.—The amount of the grant that a local educational agency in a State or that the District of Columbia is eligible to receive under this section for any fiscal year shall be the product of—

"(A) the weighted child count determined under subsection (c); and

"(B) the amount in the second sentence of subparagraph 1124(a)(1)(A).

"(2) PUERTO RICO.—For each fiscal year, the amount of the grant for which the Commonwealth of Puerto Rico is eligible under this section shall be equal to the number of children counted under subsection (c) for Puerto Rico, multiplied by the amount determined in subparagraph 1124(a)(3).

"(c) WEIGHTED CHILD COUNT.—

"(1) FISCAL YEARS 1966–1998.—

"(A) IN GENERAL.—The weighted child count used to determine a county's allocation under this section is the larger of the two amounts determined under clauses (i) or (ii), as follows:

"(i) BY PERCENTAGE OF CHILDREN.—This amount is determined by adding—

"(I) the number of children determined under section 1124(c) for that county constituting up to 12.20 percent, inclusive, of the county's total population aged 5 to 17, inclusive, multiplied by 1.0;

"(II) the number of such children constituting more than 12.20 percent, but not more than 17.70 percent, of such population, multiplied by 1.75;

"(III) the number of such children constituting more than 17.70 percent, but not more than 22.80 percent, of such population, multiplied by 2.5;

"(IV) the number of such children constituting more than 22.80 percent, but not more than 29.70 percent, of such population, multiplied by 3.25; and

"(V) the number of such children constituting more than 29.70 percent of such population, multiplied by 4.0.

"(ii) BY NUMBER OF CHILDREN.—This amount is determined by adding—

"(I) the number of children determined under section 1124(c) constituting up to 1,917, inclusive, of the county's total population aged 5 to 17, inclusive, multiplied by 1.0;

"(II) the number of such children between 1,918 and 5,938, inclusive, in such population, multiplied by 1.5;

"(III) the number of such children between 5,939 and 20,199, inclusive, in such population, multiplied by 2.0;

"(IV) the number of such children between 20,200 and 77,999, inclusive, in such population, multiplied by 2.5; and

"(V) the number of such children in excess of 77,999 in such population, multiplied by 3.0.

"(B) PUERTO RICO.—Notwithstanding subparagraph (A), the weighting factor for Puerto Rico under this paragraph shall not be greater than the total number of children counted under subsection 1124(c) multiplied by 1.72.

"(2) FISCAL YEARS AFTER 1999.—

"(A) IN GENERAL.—For each fiscal year beginning with fiscal year 1999 for which the Secretary uses local educational agency data, the weighted child count used to determine a local educational agency's grant under this section is the larger of the two amounts determined under clauses (i) and (ii), as follows:

"(i) BY PERCENTAGE OF CHILDREN.—This amount is determined by adding—

"(I) the number of children determined under section 1124(c) for that local educational agency constituting up to 14.265 percent, inclusive, of the agency's total population aged 5 to 17, inclusive, multiplied by 1.0;

"(II) the number of such children constituting more than 14.265 percent, but not more than 21,553 percent, of such population, multiplied by 1.75;

"(III) the number of such children constituting more than 21.553 percent, but not more than 29,223 percent, of such population, multiplied by 2.5;

"(IV) the number of such children constituting more than 29,223 percent, but not more than 36.538 percent, of such population, multiplied by 3.25; and

"(V) the number of such children constituting more than 36.538 percent of such population, multiplied by 4.0.

"(ii) BY NUMBER OF CHILDREN.—This amount is determined by adding—

"(I) the number of children determined under section 1124(c) constituting up to 575, inclusive, of the agency's total population aged 5 to 17, inclusive, multiplied by 1.0;

"(II) the number of such children between 576 and 1,870, inclusive, in such population, multiplied by 1.5;

"(III) the number of such children between 1,871 and 6,910, inclusive, in such population, multiplied by 2.0;

"(IV) the number of such children between 6,911 and 42,000, inclusive, in such population, multiplied by 2.5; and

"(V) the number of such children in excess of 42,000 in such population, multiplied by 3.0.

"(B) PUERTO RICO.—Notwithstanding subparagraph (A), the weighting factor for Puerto Rico under this paragraph shall not be greater than the total number of children counted under section 1124(c) multiplied by 1.72.

"(d) LOCAL EDUCATIONAL AGENCY ALLOCATIONS.—For fiscal years 1995 through 1998, grants shall be calculated by the Secretary on the basis of the number of children counted under section 1124 for counties, and State educational agencies shall suballocate county amounts to local educational agencies, in accordance with regulations published by the Secretary. In any State in which a large number of local educational agencies overlap county boundaries, the State educational agency may apply to the Secretary for authority during any particular fiscal year to make the allocations under this part (other than section 1124A) directly to local educational agencies without regard to the counties. If the Secretary approves an application of a State educational agency for a particular

year under this subparagraph, the State educational agency shall provide assurances that—

"(1) such allocations will be made using precisely the same factors for determining a grant as are used under this part;

"(2) such allocations will be made using alternative data approved by the Secretary that the State determines best reflects the distribution of children in poor families and is adjusted to be equivalent in proportion to the number of children determined in accordance with section 1124(c); or

"(3) such allocations will be made using data that the State educational agency submits to the Secretary for approval that more accurately target poverty.

In addition, the State educational agency shall provide assurances that a procedure will be established through which local educational agencies dissatisfied with the determinations made by the State educational agency may appeal directly to the Secretary for a final determination. For fiscal years beginning in 1999, for each local educational agency serving an area with a total population of at least 20,000 persons, the grant under this section shall be the amount determined by the Secretary. For local educational agencies serving areas with total populations of fewer than 20,000 persons, the State education agency may either (1) distribute to such local educational agencies grants under this section equal to the amounts determined by the Secretary; or (2) use an alternative method, approved by the Secretary, to distribute the share of the State's total grants under this section that is based on local educational agencies with total populations of fewer than 20,000 persons. Such an alternative method of distributing grants under this section among a State's local educational agencies serving areas with total populations of fewer than 20,000 persons shall be based upon population data that the State education agency determines best reflects the current distribution of children in poor families among the State's local educational agencies serving areas with total populations of fewer than 20,000 persons. If a local educational agency serving an area with total populations of less than 20,000 persons is dissatisfied with the determination of its grant by the State education agency, then the local educational agency may appeal this determination to the Secretary. The Secretary shall respond to this appeal within 45 days of receipt.

"(e) STATE MINIMUM.—Notwithstanding any other provision of this section or subsection (b)(1) or (d) of section 1122, from the total amount available for any fiscal year to carry out this section, each State shall be allotted at least the lesser of—

"(1) 0.25 percent of total appropriations; or

"(2) the average of—

"(A) one quarter of 1 percent of the total amount available to carry out this section; and

"(B) 150 percent of the national average grant under this section per child described in section 1124(c), without application of a weighting factor, multiplied by the State's total number of children described in section 1124(c), without application of a weighting factor.

"SEC. 1125A. EDUCATION FINANCE INCENTIVE PROGRAM.

"(a) GRANTS.—The Secretary is authorized to make grants to States from the sums appropriated pursuant to subsection (e) to carry out the purposes of this part.

"(b) DISTRIBUTION BASED UPON FISCAL EFFORT AND EQUITY.—

"(1) IN GENERAL.—Funds appropriated pursuant to subsection (e) shall be allotted to each State based upon the number of children aged 5 to 17, inclusive, of such State multiplied by the product of—

"(A) such State's effort factor described in paragraph (2); multiplied by

"(B) 1.30 minus such State's equity factor described in paragraph (3),

except that for each fiscal year no State shall receive less than one-quarter of 1 percent of the total amount appropriated pursuant to subsection (e) for such fiscal year.

"(2) EFFORT FACTOR.—(A) Except as provided in subparagraph (B), the effort factor for a State shall be determined in accordance with the succeeding sentence, except that such factor shall not be less than .95 nor greater than 1.05. The effort factor determined under this sentence shall be a fraction the numerator of which is the product of the three-year average per-pupil expenditure in the State multiplied by the three-year average per capita income in the United States and the denominator of which is the product of the three-year average per capita income in such State multiplied by the three-year average per-pupil expenditure in the United States.

"(B) The effort factor for the Commonwealth of Puerto Rico shall be equal to the lowest effort factor calculated under subparagraph (A) for any State.

"(3) EQUITY FACTOR.—(A)(i) Except as provided in subparagraph (B), the Secretary shall determine the equity factor under this section for each State in accordance with clause (ii).

"(ii)(I) For each State, the Secretary shall compute a weighted coefficient of variation for the per-pupil expenditures of local educational agencies in accordance with subclauses (II), (III), (IV), and (V).

"(II) In computing coefficients of variation, the Secretary shall weight the variation between per-pupil expenditures in each local educational agency and the average per-pupil expenditures in the State according to the number of pupils in the local educational agency.

"(III) In determining the number of pupils under this paragraph in each local educational agency and each State, the Secretary shall multiply the number of children from low-income families by 1.4 under this paragraph.

"(IV) In computing coefficients of variation, the Secretary shall include only those local educational agencies with an enrollment of more than 200 students.

"(V) The Secretary shall compute separate coefficients of variation for elementary, secondary, and unified local educational agencies and shall combine such coefficients into a single weighted average coefficient for the State by multiplying each coefficient by the total enrollments of the local educational

agencies in each group, adding such products, and dividing such sum by the total enrollments of the local educational agencies in the State.

"(B) The equity factor for a State that meets the disparity standard described in section 222.63 of title 34, Code of Federal Regulations (as such section was in effect on the day preceding the date of enactment of this Act) or a State with only one local educational agency shall be not greater than .10.

"(C) The Secretary may revise each State's equity factor as necessary based on the advice of independent education finance scholars to reflect other need-based costs of local educational agencies in addition to low-income student enrollment, such as differing geographic costs, costs associated with students with disabilities, children with limited-English proficiency or other meaningful educational needs, which deserve additional support. In addition and also with the advice of independent education finance scholars, the Secretary may revise each State's equity factor to incorporate other valid and accepted methods to achieve adequacy of educational opportunity that may not be reflected in a coefficient of variation method.

"(c) USE OF FUNDS.—All funds awarded to each State under this section shall be allocated to local educational agencies and schools on a basis consistent with the distribution of other funds to such agencies and schools under sections 1124, 1124A, and 1125 to carry out activities under this part.

"(d) MAINTENANCE OF EFFORT.—

"(1) IN GENERAL.—Except as provided in paragraph (2), a State is entitled to receive its full allotment of funds under this part for any fiscal year if the Secretary finds that either the combined fiscal effort per student or the aggregate expenditures within the State with respect to the provision of free public education for the fiscal year preceding the fiscal year for which the determination is made was not less than 90 percent of such combined fiscal effort or aggregate expenditures for the second fiscal year preceding the fiscal year for which the determination is made.

"(2) REDUCTION OF FUNDS.—The Secretary shall reduce the amount of the funds awarded to any State under this section in any fiscal year in the exact proportion to which the State fails to meet the requirements of paragraph (1) by falling below 90 percent of both the fiscal effort per student and aggregate expenditures (using the measure most favorable to the State), and no such lesser amount shall be used for computing the effort required under paragraph (1) for subsequent years.

"(3) WAIVERS.—The Secretary may waive, for one fiscal year only, the requirements of this subsection if the Secretary determines that such a waiver would be equitable due to exceptional or uncontrollable circumstances such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the State.

"(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of making grants under this section, there are authorized to be appropriated $200,000,000 for fiscal year 1996 and such sums as may be necessary for each of the three succeeding fiscal years.

"SEC. 1126. SPECIAL ALLOCATION PROCEDURES.

"(a) Allocations for Neglected Children.—

"(1) In general.—If a State educational agency determines that a local educational agency in the State is unable or unwilling to provide for the special educational needs of children who are living in institutions for neglected children as described in subparagraph 1124(c)(1)(C), the State educational agency shall, if such agency assumes responsibility for the special educational needs of such children, receive the portion of such local educational agency's allocation under sections 1124, 1124A, and 1125 that is attributable to such children.

"(2) Special rule.—If the State educational agency does not assume such responsibility, any other State or local public agency that does assume such responsibility shall receive that portion of the local educational agency's allocation.

"(b) Allocations Among Local Educational Agencies.—The State educational agency may allocate the amounts of grants under sections 1124, 1124A, and 1125 among the affected local educational agencies—

"(1) if two or more local educational agencies serve, in whole or in part, the same geographical area;

"(2) if a local educational agency provides free public education for children who reside in the school district of another local educational agency; or

"(3) to reflect the merger, creation, or change of boundaries of one or more local educational agencies.

"(c) Reallocation.—If a State educational agency determines that the amount of a grant a local educational agency would receive under sections 1124, 1124A, and 1125 is more than such local agency will use, the State educational agency shall make the excess amount available to other local educational agencies in the State that need additional funds in accordance with criteria established by the State educational agency.

"SEC. 1127. CARRYOVER AND WAIVER.

"(a) Limitation on Carryover.—Notwithstanding section 421 of the General Education Provisions Act or any other provision of law, not more than 15 percent of the funds allocated to a local educational agency for any fiscal year under this subpart (but not including funds received through any reallocation under this subpart) may remain available for obligation by such agency for one additional fiscal year.

"(b) Waiver.—A State educational agency may, once every three years, waive the percentage limitation in subsection (a) if—

"(1) the agency determines that the request of a local educational agency is reasonable and necessary; or

"(2) supplemental appropriations for this subpart become available.

"(c) Exclusion.—The percentage limitation under subsection (a) shall not apply to any local educational agency that receives less than $50,000 under this subpart for any fiscal year.

"PART B—EVEN START FAMILY LITERACY PROGRAMS

"SEC. 1201. STATEMENT OF PURPOSE.

"It is the purpose of this part to help break the cycle of poverty and illiteracy by improving the educational opportunities of the Nation's low-income families by integrating early childhood education, adult literacy or adult basic education, and parenting education into a unified family literacy program, to be referred to as 'Even Start'. The program shall—

"(1) be implemented through cooperative projects that build on existing community resources to create a new range of services;

"(2) promote achievement of the National Education Goals; and

"(3) assist children and adults from low-income families to achieve to challenging State content standards and challenging State student performance standards.

"SEC. 1202. PROGRAM AUTHORIZED.

"(a) RESERVATION FOR MIGRANT PROGRAMS, OUTLYING AREAS, AND INDIAN TRIBES.—

"(1) IN GENERAL.—For each fiscal year, the Secretary shall reserve 5 percent of the amount appropriated under section 1002(b) for programs, under such terms and conditions as the Secretary shall establish, that are consistent with the purpose of this part, and according to their relative needs, for—

"(A) children of migratory workers;

"(B) the outlying areas; and

"(C) Indian tribes and tribal organizations.

"(2) SPECIAL RULE.—If the amount of funds made available under this subsection exceeds $4,600,000, the Secretary shall award a grant, on a competitive basis, of sufficient size and for a period of sufficient duration to demonstrate the effectiveness of a family literacy program in a prison that houses women and their preschool age children and that has the capability of developing a program of high quality.

"(b) RESERVATION FOR FEDERAL ACTIVITIES.—From amounts appropriated under section 1002(b), the Secretary may reserve not more than three percent of such amounts or the amount reserved to carry out the activities described in paragraphs (1) and (2) of subsection (a) for the fiscal year 1994, whichever is greater, for purposes of—

"(1) carrying out the evaluation required by section 1209; and

"(2) providing, through grants or contracts with eligible organizations, technical assistance, program improvement, and replication activities.

"(c) RESERVATION FOR GRANTS.—

"(1) GRANTS AUTHORIZED.—In any fiscal year in which the amount appropriated to carry out this part exceeds the amount appropriated to carry out this part for the preceding fiscal year, the Secretary may reserve such funds in excess of the amount appropriated for such preceding fiscal years as do not exceed

$1,000,000 to award grants, on a competitive basis, to States to enable such States to plan and implement, statewide family literacy initiatives to coordinate and integrate existing Federal, State, and local literacy resources consistent with the purposes of this part. Such coordination and integration shall include funds available under the Adult Education Act, Head Start, Even Start, and the Family Support Act of 1988.

"(2) MATCHING REQUIREMENT.—The Secretary shall not make a grant to a State under paragraph (1) unless the State agrees that, with respect to the costs to be incurred by the eligible consortium in carrying out the activities for which the grant was awarded, the State will make available non-Federal contributions in an amount equal to not less than the Federal funds provided under the grant.

"(d) STATE ALLOCATION.—

"(1) IN GENERAL.—From amounts appropriated under section 1002(b) and not reserved under subsections (a), (b), and (c), the Secretary shall make grants to States from allocations under paragraph (2).

"(2) ALLOCATIONS.—Except as provided in paragraph (3), from the total amount available for allocation to States in any fiscal year, each State shall be eligible to receive a grant under paragraph (1) in an amount that bears the same ratio to such total amount as the amount allocated under part A to that State bears to the total amount allocated under that section to all the States.

"(3) MINIMUM.—No State shall receive a grant under paragraph (1) in any fiscal year in an amount which is less than $250,000, or one-half of 1 percent of the amount appropriated under section 1002(b) and not reserved under subsections (a), (b), and (c) for such year, whichever is greater.

"(e) DEFINITIONS.—For the purpose of this part—

"(1) the term 'eligible entity' means a partnership composed of both—

"(A) a local educational agency; and

"(B) a nonprofit community-based organization, a public agency other than a local educational agency, an institution of higher education, or a public or private nonprofit organization other than a local educational agency, of demonstrated quality;

"(2) the term 'eligible organization' means any public or private nonprofit organization with a record of providing effective services to family literacy providers, such as the National Center for Family Literacy, Parents as Teachers, Inc., the Home Instruction Program for Preschool Youngsters, and the Home and School Institute, Inc.;

"(3) the terms 'Indian tribe' and 'tribal organization' have the meanings given such terms in section 4 of the Indian Self-Determination and Education Assistance Act; and

"(4) the term 'State' includes each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

"SEC. 1203. STATE PROGRAMS.

"(a) STATE LEVEL ACTIVITIES.—Each State that receives a grant under section 1202(d)(1) may use not more than 5 percent of the grant funds for the costs of—

"(1) administration; and

"(2) providing, through one or more subgrants or contracts, technical assistance for program improvement and replication, to eligible entities that receive subgrants under subsection (b).

"(b) SUBGRANTS FOR LOCAL PROGRAMS.—

"(1) IN GENERAL.—Each State shall use the grant funds received under section 1202(d)(1) and not reserved under subsection (a) to award subgrants to eligible entities to carry out Even Start programs.

"(2) MINIMUM.—No State shall award a subgrant under paragraph (1) in an amount less than $75,000, except that a State may award one subgrant in each fiscal year of sufficient size, scope, and quality to be effective in an amount less than $75,000 if, after awarding subgrants under paragraph (1) for such fiscal year in amounts of $75,000 or greater, less than $75,000 is available to the State to award such subgrants.

"SEC. 1204. USES OF FUNDS.

"(a) IN GENERAL.—In carrying out an Even Start program under this part, a recipient of funds under this part shall use such funds to pay the Federal share of the cost of providing family-centered education programs that involve parents and children, from birth through age seven, in a cooperative effort to help parents become full partners in the education of their children and to assist children in reaching their full potential as learners.

"(b) FEDERAL SHARE LIMITATION.—

"(1) IN GENERAL.—(A) Except as provided in paragraph (2), the Federal share under this part may not exceed—

"(i) 90 percent of the total cost of the program in the first year that such program receives assistance under this part or its predecessor authority;

"(ii) 80 percent in the second such year;

"(iii) 70 percent in the third such year;

"(iv) 60 percent in the fourth such year; and

"(v) 50 percent in any subsequent such year.

"(B) The remaining cost of a program assisted under this part may be provided in cash or in kind, fairly evaluated and may be obtained from any source, including other Federal funds under this Act.

"(2) WAIVER.—The State educational agency may waive, in whole or in part, the cost-sharing requirement described in paragraph (1) for an eligible entity if such entity—

"(A) demonstrates that such entity otherwise would not be able to participate in the program assisted under this part; and

"(B) negotiates an agreement with the State educational agency with respect to the amount of the remaining cost to which the waiver will be applicable.

"(3) PROHIBITION.—Federal funds provided under this part may not be used for the indirect costs of a program assisted

under this part, except that the Secretary may waive this paragraph if an eligible recipient of funds reserved under section 1202(a)(1)(C) demonstrates to the Secretary's satisfaction that such recipient otherwise would not be able to participate in the program assisted under this part.

"SEC. 1205. PROGRAM ELEMENTS.

"Each program assisted under this part shall—

"(1) include the identification and recruitment of families most in need of services provided under this part, as indicated by a low level of income, a low level of adult literacy or English language proficiency of the eligible parent or parents, and other need-related indicators;

"(2) include screening and preparation of parents, including teenage parents and children to enable such parents to participate fully in the activities and services provided under this part, including testing, referral to necessary counselling, other developmental and support services, and related services;

"(3) be designed to accommodate the participants' work schedule and other responsibilities, including the provision of support services, when such services are unavailable from other sources, necessary for participation in the activities assisted under this part, such as—

"(A) scheduling and locating of services to allow joint participation by parents and children;

"(B) child care for the period that parents are involved in the program provided under this part; and

"(C) transportation for the purpose of enabling parents and their children to participate in programs authorized by this part;

"(4) include high-quality instructional programs that promote adult literacy and empower parents to support the educational growth of their children, developmentally appropriate early childhood educational services, and preparation of children for success in regular school programs;

"(5) include special training of staff, including child care staff, to develop the skills necessary to work with parents and young children in the full range of instructional services offered through this part;

"(6) provide and monitor integrated instructional services to participating parents and children through home-based programs;

"(7) operate on a year-round basis, including the provision of some program services, instructional or enrichment, during the summer months;

"(8) be coordinated with—

"(A) programs assisted under other parts of this title and this Act;

"(B) any relevant programs under the Adult Education Act, the Individuals with Disabilities Education Act, and the Job Training Partnership Act; and

"(C) the Head Start program, volunteer literacy programs, and other relevant programs;

"(9) ensure that the programs will serve those families most in need of the activities and services provided by this part; and

"(10) provide for an independent evaluation of the program.

"SEC. 1206. ELIGIBLE PARTICIPANTS.

"(a) IN GENERAL.—Except as provided in subsection (b), eligible participants in an Even Start program are—

"(1) a parent or parents—

"(A) who are eligible for participation in an adult basic education program under the Adult Education Act; or

"(B) who are within the State's compulsory school attendance age range, so long as a local educational agency provides (or ensures the availability of) the basic education component required under this part; and

"(2) the child or children, from birth through age seven, of any individual described in paragraph (1).

"(b) ELIGIBILITY FOR CERTAIN OTHER PARTICIPANTS.—

"(1) IN GENERAL.—Family members of eligible participants described in subsection (a) may participate in activities and services provided under this part, when appropriate to serve the purpose of this part.

"(2) SPECIAL RULE.—Any family participating in a program assisted under this part that becomes ineligible for such participation as a result of one or more members of the family becoming ineligible for such participation may continue to participate in the program until all members of the family become ineligible for such participation, which—

"(A) in the case of a family in which ineligibility was due to the child or children of such family attaining the age of eight, shall be in two years or when the parent or parents become ineligible due to educational advancement, whichever occurs first; and

"(B) in the case of a family in which ineligibility was due to the educational advancement of the parent or parents of such family, shall be when all children in the family attain the age of eight.

"SEC. 1207. APPLICATIONS.

"(a) SUBMISSION.—To be eligible to receive a subgrant under this part, an eligible entity shall submit an application to the State educational agency in such form and containing or accompanied by such information as the State educational agency shall require.

"(b) REQUIRED DOCUMENTATION.—Each application shall include documentation, satisfactory to the State educational agency, that the eligible entity has the qualified personnel needed—

"(1) to develop, administer, and implement an Even Start program under this part; and

"(2) to provide access to the special training necessary to prepare staff for the program, which may be offered by an eligible organization.

"(c) PLAN.—

"(1) IN GENERAL.—Such application shall also include a plan of operation for the program which shall include—

"(A) a description of the program goals;

"(B) a description of the activities and services that will be provided under the program, including a description of

how the program will incorporate the program elements required by section 1205;

"(C) a description of the population to be served and an estimate of the number of participants to be served;

"(D) as appropriate, a description of the applicant's collaborative efforts with institutions of higher education, community-based organizations, the State educational agency, private elementary schools, or other eligible organizations in carrying out the program for which assistance is sought;

"(E) a statement of the methods that will be used—

"(i) to ensure that the programs will serve families most in need of the activities and services provided by this part;

"(ii) to provide services under this part to individuals with special needs, such as individuals with limited English proficiency and individuals with disabilities; and

"(iii) to encourage participants to remain in the program for a time sufficient to meet the program's purpose; and

"(F) a description of how the plan is integrated with other programs under this Act, the Goals 2000: Educate America Act, or other Acts, as appropriate, consistent with section 14306.

"(2) DURATION OF THE PLAN.—Each plan submitted under paragraph (1)(A) shall—

"(A) remain in effect for the duration of the eligible entity's participation under this part; and

"(B) be periodically reviewed and revised by the eligible entity as necessary.

"(d) CONSOLIDATED APPLICATION.—The plan described in subsection (c)(1)(F) may be submitted as part of a consolidated application under section 14302.

"SEC. 1208. AWARD OF SUBGRANTS.

"(a) SELECTION PROCESS.—

"(1) IN GENERAL.—The State educational agency shall establish a review panel in accordance with paragraph (3) that will approve applications that—

"(A) are most likely to be successful in—

"(i) meeting the purpose of this part; and

"(ii) effectively implementing the program elements required under section 1205;

"(B) demonstrate that the area to be served by such program has a high percentage or a large number of children and families who are in need of such services as indicated by high levels of poverty, illiteracy, unemployment, limited-English proficiency, or other need-related indicators, including a high percentage of children to be served by the program who reside in a school attendance area eligible for participation in programs under part A;

"(C) provide services for at least a three-year age range, which may begin at birth;

"(D) demonstrate the greatest possible cooperation and coordination between a variety of relevant service providers in all phases of the program;

"(E) include cost-effective budgets, given the scope of the application;

"(F) demonstrate the applicant's ability to provide the Federal share required by section 1204(b);

"(G) are representative of urban and rural regions of the State; and

"(H) show the greatest promise for providing models that may be adopted by other local educational agencies.

"(2) PRIORITY FOR SUBGRANTS.—The State educational agency shall give priority for subgrants under this subsection to applications that—

"(A) target services primarily to families described in paragraph (1)(B); or

"(B) are located in areas designated as empowerment zones or enterprise communities.

"(3) REVIEW PANEL.—A review panel shall consist of at least three members, including one early childhood professional, one adult education professional, and one or more of the following individuals:

"(A) A representative of a parent-child education organization.

"(B) A representative of a community-based literacy organization.

"(C) A member of a local board of education.

"(D) A representative of business and industry with a commitment to education.

"(E) An individual who has been involved in the implementation of programs under this title in the State.

"(b) DURATION.—

"(1) IN GENERAL.—Subgrants under this part may be awarded for a period not to exceed four years.

"(2) STARTUP PERIOD.—The State educational agency may provide subgrant funds to an eligible recipient, at such recipient's request, for a three- to six-month startup period during the first year of the four-year grant period, which may include staff recruitment and training, and the coordination of services, before requiring full implementation of the program.

"(3) CONTINUING ELIGIBILITY.—In awarding subgrant funds to continue a program under this part for the second, third, or fourth year, the State educational agency shall review the progress being made toward meeting the objectives of the program after the conclusion of the startup period, if any.

"(4) INSUFFICIENT PROGRESS.—The State educational agency may refuse to award subgrant funds if such agency finds that sufficient progress has not been made toward meeting such objectives, but only after affording the applicant notice and an opportunity for a hearing.

"(5) GRANT RENEWAL.—(A) An eligible entity that has previously received a subgrant under this part may reapply under

this part for additional subgrants. An eligible recipient may receive funds under this part for a period not to exceed eight years.

"(B) The Federal share of any subgrant renewed under subparagraph (A) shall not exceed 50 percent in any fiscal year.

"SEC. 1209. EVALUATION.

"From funds reserved under section 1202(b)(1), the Secretary shall provide for an independent evaluation of programs assisted under this part—

"(1) to determine the performance and effectiveness of programs assisted under this part; and

"(2) to identify effective Even Start programs assisted under this part that can be duplicated and used in providing technical assistance to Federal, State, and local programs.

"SEC. 1210. CONSTRUCTION.

"Nothing in this part shall be construed to prohibit a recipient of funds under this part from serving students participating in Even Start simultaneously with students with similar educational needs, in the same educational settings where appropriate.

"PART C—EDUCATION OF MIGRATORY CHILDREN

"SEC. 1301. PROGRAM PURPOSE.

"It is the purpose of this part to assist States to—

"(1) support high-quality and comprehensive educational programs for migratory children to help reduce the educational disruptions and other problems that result from repeated moves;

"(2) ensure that migratory children are provided with appropriate educational services (including supportive services) that address their special needs in a coordinated and efficient manner;

"(3) ensure that migratory children have the opportunity to meet the same challenging State content standards and challenging State student performance standards that all children are expected to meet;

"(4) design programs to help migratory children overcome educational disruption, cultural and language barriers, social isolation, various health-related problems, and other factors that inhibit the ability of such children to do well in school, and to prepare such children to make a successful transition to postsecondary education or employment; and

"(5) ensure that migratory children benefit from State and local systemic reforms.

"SEC. 1302. PROGRAM AUTHORIZED.

"In order to carry out the purpose of this part, the Secretary shall make grants to State educational agencies, or combinations of such agencies, to establish or improve, directly or through local operating agencies, programs of education for migratory children in accordance with this part.

"SEC. 1303. STATE ALLOCATIONS.

"(a) STATE ALLOCATIONS.—Each State (other than the Commonwealth of Puerto Rico) is entitled to receive under this part, for each fiscal year, an amount equal to—

"(1) the sum of the estimated number of migratory children aged three through 21 who reside in the State full time and the full-time equivalent of the estimated number of migratory children aged three through 21 who reside in the State part time, as determined in accordance with subsection (e); multiplied by

"(2) 40 percent of the average per-pupil expenditure in the State, except that the amount determined under this paragraph shall not be less than 32 percent, nor more than 48 percent, of the average expenditure per pupil in the United States.

"(b) ALLOCATION TO PUERTO RICO.—For each fiscal year, the amount for which the Commonwealth of Puerto Rico is eligible under this section shall be equal to—

"(1) the number of migratory children in Puerto Rico, determined under subsection (a)(1); multiplied by

"(2) the product of—

"(A) the percentage that the average per-pupil expenditure in Puerto Rico is of the lowest average per-pupil expenditure of any of the 50 States; and

"(B) 32 percent of the average per-pupil expenditure in the United States.

"(c) RATABLE REDUCTIONS; REALLOCATIONS.—

"(1) IN GENERAL.—(A) If, after the Secretary reserves funds under section 1308(c), the amount appropriated to carry out this part for any fiscal year is insufficient to pay in full the amounts for which all States are eligible, the Secretary shall ratably reduce each such amount.

"(B) If additional funds become available for making such payments for any fiscal year, the Secretary shall allocate such funds to States in amounts that the Secretary determines will best carry out the purpose of this part.

"(2) SPECIAL RULE.—(A) The Secretary shall further reduce the amount of any grant to a State under this part for any fiscal year if the Secretary determines, based on available information on the numbers and needs of migratory children in the State and the program proposed by the State to address such needs, that such amount exceeds the amount required under section 1304.

"(B) The Secretary shall reallocate such excess funds to other States whose grants under this part would otherwise be insufficient to provide an appropriate level of services to migratory children, in such amounts as the Secretary determines are appropriate.

"(d) CONSORTIUM ARRANGEMENTS.—

"(1) IN GENERAL.—In the case of a State that receives a grant of $1,000,000 or less under this section, the Secretary shall consult with the State educational agency to determine whether consortium arrangements with another State or other appropriate entity would result in delivery of services in a more effective and efficient manner.

"(2) PROPOSALS.—Any State, regardless of the amount of such State's allocation, may submit a consortium arrangement to the Secretary for approval.

"(3) APPROVAL.—The Secretary shall approve a consortium arrangement under paragraph (1) or (2) if the proposal demonstrates that the arrangement will—

"(A) reduce administrative costs or program function costs for State programs; and

"(B) make more funds available for direct services to add substantially to the welfare or educational attainment of children to be served under this part.

"(e) DETERMINING NUMBERS OF ELIGIBLE CHILDREN.—In order to determine the estimated number of migratory children residing in each State for purposes of this section, the Secretary shall—

"(1) use such information as the Secretary finds most accurately reflects the actual number of migratory children;

"(2) develop and implement a procedure for more accurately reflecting cost factors for different types of summer and intersession program designs;

"(3) adjust the full-time equivalent number of migratory children who reside in each State to take into account—

"(A) the special needs of those children participating in special programs provided under this part that operate during the summer and intersession periods; and

"(B) the additional costs of operating such programs; and

"(4) conduct an analysis of the options for adjusting the formula so as to better direct services to the child whose education has been interrupted.

"SEC. 1304. STATE APPLICATIONS; SERVICES.

"(a) APPLICATION REQUIRED.—Any State desiring to receive a grant under this part for any fiscal year shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

"(b) PROGRAM INFORMATION.—Each such application shall include—

"(1) a description of how, in planning, implementing, and evaluating programs and projects assisted under this part, the State and its local operating agencies will ensure that the special educational needs of migratory children, including preschool migratory children, are identified and addressed through a comprehensive plan for needs assessment and service delivery that meets the requirements of section 1306;

"(2) a description of the steps the State is taking to provide all migratory students with the opportunity to meet the same challenging State content standards and challenging State student performance standards that all children are expected to meet;

"(3) a description of how the State will use funds received under this part to promote interstate and intrastate coordination of services for migratory children, including how, consistent with procedures the Secretary may require, the State will provide for educational continuity through the timely transfer of pertinent school records, including information on health, when

children move from one school to another, whether or not such move occurs during the regular school year;

"(4) a description of the State's priorities for the use of funds received under this part, and how such priorities relate to the State's assessment of needs for services in the State;

"(5) a description of how the State will determine the amount of any subgrants the State will award to local operating agencies, taking into account the requirements of paragraph (1); and

"(6) such budgetary and other information as the Secretary may require.

"(c) ASSURANCES.—Each such application shall also include assurances, satisfactory to the Secretary, that—

"(1) funds received under this part will be used only—

"(A) for programs and projects, including the acquisition of equipment, in accordance with section 1306(b)(1); and

"(B) to coordinate such programs and projects with similar programs and projects within the State and in other States, as well as with other Federal programs that can benefit migratory children and their families;

"(2) such programs and projects will be carried out in a manner consistent with the objectives of section 1114, subsections (b) and (d) of section 1115, section 1120, and subsections (b) and (c) of section 1120A, and part F;

"(3) in the planning and operation of programs and projects at both the State and local operating agency level, there is appropriate consultation with parent advisory councils for programs of one school year in duration, and that all such programs and projects are carried out, to the extent feasible, in a manner consistent with section 1118;

"(4) in planning and carrying out such programs and projects, there has been, and will be, adequate provision for addressing the unmet education needs of preschool migratory children;

"(5) the effectiveness of such programs and projects will be determined, where feasible, using the same approaches and standards that will be used to assess the performance of students, schools, and local educational agencies under part A;

"(6) to the extent feasible, such programs and projects will provide for—

"(A) advocacy and outreach activities for migratory children and their families, including informing such children and families of, or helping such children and families gain access to, other education, health, nutrition, and social services;

"(B) professional development programs, including mentoring, for teachers and other program personnel;

"(C) family literacy programs, including such programs that use models developed under Even Start;

"(D) the integration of information technology into educational and related programs; and

“(E) programs to facilitate the transition of secondary school students to postsecondary education or employment; and

“(7) the State will assist the Secretary in determining the number of migratory children under section 1303(e), through such procedures as the Secretary may require.

“(d) Priority for Services.—In providing services with funds received under this part, each recipient of such funds shall give priority to migratory children who are failing, or most at risk of failing, to meet the State's challenging State content standards and challenging State student performance standards, and whose education has been interrupted during the regular school year.

“(e) Continuation of Services.—Notwithstanding any other provision of this part—

“(1) a child who ceases to be a migratory child during a school term shall be eligible for services until the end of such term;

“(2) a child who is no longer a migratory child may continue to receive services for one additional school year, but only if comparable services are not available through other programs; and

“(3) secondary school students who were eligible for services in secondary school may continue to be served through credit accrual programs until graduation.

“SEC. 1305. SECRETARIAL APPROVAL; PEER REVIEW.

“(a) Secretarial Approval.—The Secretary shall approve each State application that meets the requirements of this part.

“(b) Peer Review.—The Secretary may review any such application with the assistance and advice of State officials and other individuals with relevant expertise.

“SEC. 1306. COMPREHENSIVE NEEDS ASSESSMENT AND SERVICE-DELIVERY PLAN; AUTHORIZED ACTIVITIES.

“(a) Comprehensive Plan.—

“(1) In general.—Each State that receives assistance under this part shall ensure that the State and its local operating agencies identify and address the special educational needs of migratory children in accordance with a comprehensive State plan that—

“(A) is integrated with other programs under this Act, the Goals 2000: Educate America Act, or other Acts, as appropriate, consistent with section 14306;

“(B) may be submitted as a part of consolidated application under section 14302;

“(C) provides that migratory children will have an opportunity to meet the same challenging State content standards and challenging State student performance standards, set out in such plans, that all children are expected to meet;

“(D) specifies measurable program goals and outcomes;

“(E) encompasses the full range of services that are available for migratory children from appropriate local, State and Federal educational programs;

“(F) is the product of joint planning among such local, State, and Federal programs, including programs under

part A, early childhood programs, and bilingual education programs under part A of title VII; and

"(G) provides for the integration of services available under this part with services provided by such other programs.

"(2) DURATION OF THE PLAN.—Each such comprehensive State plan shall—

"(A) remain in effect for the duration of the State's participation under this part; and

"(B) be periodically reviewed and revised by the State, as necessary, to reflect changes in the State's strategies and programs under this part.

"(b) AUTHORIZED ACTIVITIES.—

"(1) IN GENERAL.—In implementing the comprehensive plan described in subsection (a), each local operating agency shall have the flexibility to determine the activities to be provided with funds made available under this part, except that—

"(A) before funds under this part are used to provide services described in subparagraph (B), such funds shall be used to meet the identified needs of migratory children that—

"(i) result from the effects of their migratory lifestyle, or are needed to permit migratory children to participate effectively in school; and

"(ii) are not addressed by services provided under other programs, including programs under part A; and

"(B) all migratory children who are eligible to receive services under part A shall receive such services with funds provided under this part or under part A.

"(2) CONSTRUCTION.—Nothing in this part shall be construed to prohibit a local operating agency from serving migrant students simultaneously with students with similar educational needs, in the same educational settings where appropriate.

"(3) SPECIAL RULE.—Notwithstanding section 1114, a school that receives funds under this part shall continue to address the identified needs described in paragraph (1)(A).

"SEC. 1307. BYPASS.

"The Secretary may use all or part of any State's allocation under this part to make arrangements with any public or private nonprofit agency to carry out the purpose of this part in such State if the Secretary determines that—

"(1) the State is unable or unwilling to conduct educational programs for migratory children;

"(2) such arrangements would result in more efficient and economic administration of such programs; or

"(3) such arrangements would add substantially to the welfare or educational attainment of such children.

"SEC. 1308. COORDINATION OF MIGRANT EDUCATION ACTIVITIES.

"(a) IMPROVEMENT OF COORDINATION.—

"(1) IN GENERAL.—The Secretary, in consultation with the States, may make grants to, or enter into contracts with, State educational agencies, local educational agencies, institutions of

higher education, and other public and private nonprofit entities to improve the interstate and intrastate coordination among such agencies' educational programs, including the establishment or improvement of programs for credit accrual and exchange, available to migratory students.

"(2) DURATION.—Grants under this subpart may be awarded for not more than five years.

"(b) ASSISTANCE AND REPORTING.—

"(1) STUDENT RECORDS.—(A) The Secretary shall solicit information on how student records are transferred from one school to another and shall solicit recommendations on whether new procedures and technologies for record transfer should be employed to better meet the needs of the migrant population.

"(B) The Secretary shall also seek recommendations on the most effective means for determining the number of students or full-time equivalent students in each State for the purpose of allocating funds under this part.

"(2) REPORT TO CONGRESS.—(A) Not later than April 30, 1995, the Secretary shall report to the Committee on Labor and Human Resources of the Senate and the Committee on Education and Labor of the House of Representatives the Secretary's findings and recommendations, and shall include in this report, recommendations for interim measures that may be taken to ensure continuity of services in this program.

"(B) The Secretary shall assist States in developing effective methods for the transfer of student records and in determining the number of students or full-time equivalent students in each State if such interim measures are required.

"(c) AVAILABILITY OF FUNDS.—For the purpose of carrying out this section in any fiscal year, the Secretary shall reserve not more than $6,000,000 of the amount appropriated to carry out this part for such year.

"(d) INCENTIVE GRANTS.—

"(1) IN GENERAL.—From the amounts made available to carry out this section, the Secretary shall reserve not more than $1,500,000 to award, on a competitive basis, grants in the amount of not more than $250,000 to State educational agencies with consortium agreements under section 1303(d).

"(2) LIMITATION.—Not less than 10 of such grants shall be awarded to States which receive allocations of less than $1,000,000 if such States have approved agreements.

"SEC. 1309. DEFINITIONS.

"As used in this part:

"(1) LOCAL OPERATING AGENCY.—The term 'local operating agency' means—

"(A) a local educational agency to which a State educational agency makes a subgrant under this part;

"(B) a public or nonprofit private agency with which a State educational agency or the Secretary makes an arrangement to carry out a project under this part; or

"(C) a State educational agency, if the State educational agency operates the State's migrant education program or projects directly.

"(2) MIGRATORY CHILD.—The term 'migratory child' means a child who is, or whose parent, spouse, or guardian is, a migratory agricultural worker, including a migratory dairy worker, or a migratory fisher, and who, in the preceding 36 months, in order to obtain, or accompany such parent, spouse, or guardian in order to obtain, temporary or seasonal employment in agricultural or fishing work—

"(A) has moved from one school district to another;

"(B) in a State that is comprised of a single school district, has moved from one administrative area to another within such district; or

"(C) resides in a school district of more than 15,000 square miles, and migrates a distance of 20 miles or more to a temporary residence to engage in a fishing activity.

"PART D—PREVENTION AND INTERVENTION PROGRAMS FOR CHILDREN AND YOUTH WHO ARE NEGLECTED, DELINQUENT, OR AT-RISK OF DROPPING OUT

"SEC. 1401. FINDINGS; PURPOSE; PROGRAM AUTHORIZED.

"(a) FINDINGS.—Congress finds the following:

"(1) A large percentage of youth in the juvenile justice system have poor academic achievement, are a year or more behind grade level, and have dropped out of school.

"(2) There is a strong correlation between academic failure and involvement in delinquent activities.

"(3) Preventing students from dropping out of local schools and addressing the educational needs of delinquent youth can help reduce the dropout rate and involvement in delinquent activities at the same time.

"(4) Many schools and correctional facilities fail to communicate regarding a youth's academic needs and students often return to their home school ill-prepared to meet current curriculum requirements.

"(5) Schools are often reluctant to deal with youth returning from facilities and receive no funds to deal with the unique educational and other needs of such youth.

"(6) A continuing need exists for activities and programs to reduce the incidence of youth dropping out of school.

"(7) Federal dropout prevention programs have demonstrated effectiveness in keeping children and youth in school.

"(8) Pregnant and parenting teens are a high at-risk group for dropping out of school and should be targeted by dropout prevention programs.

"(9) Such youth need a strong dropout prevention program which provides such youth with high level skills and which provides supports to youth returning from correctional facilities in order to keep such youth in school.

"(b) PURPOSE.—It is the purpose of this part—

"(1) to improve educational services to children in local and State institutions for neglected or delinquent children and youth so that such children and youth have the opportunity to

meet the same challenging State content standards and challenging State student performance standards that all children in the State will be expected to meet;

"(2) to provide such children and youth the services needed to make a successful transition from institutionalization to further schooling or employment; and

"(3) to prevent at-risk youth from dropping out of school and to provide dropouts and youth returning from institutions with a support system to ensure their continued education.

"(c) PROGRAM AUTHORIZED.—In order to carry out the purpose of this part the Secretary shall make grants to State educational agencies to enable such agencies to award subgrants to State agencies and local educational agencies to establish or improve programs of education for neglected or delinquent children and youth at risk of dropping out of school before graduation.

"SEC. 1402. PAYMENTS FOR PROGRAMS UNDER THIS PART.

"(a) AGENCY SUBGRANTS.—Based on the allocation amount computed under section 1412, the Secretary shall allocate to each State educational agency amounts necessary to make subgrants to State agencies.

"(b) LOCAL SUBGRANTS.—Each State shall retain, for purposes of subpart 2, funds generated throughout the State under part A based on youth residing in local correctional facilities, or attending community day programs for delinquent children and youth.

"(c) USE OF REMAINING FUNDS.—Each State shall use any funds remaining after allocations are made under subsection (a).

"Subpart 1—State Agency Programs

"SEC. 1411. ELIGIBILITY.

"A State agency is eligible for assistance under this subpart if such State agency is responsible for providing free public education for children—

"(1) in institutions for neglected or delinquent children;

"(2) attending community day programs for neglected or delinquent children; or

"(3) in adult correctional institutions.

"SEC. 1412. ALLOCATION OF FUNDS.

"(a) SUBGRANTS TO STATE AGENCIES.—

"(1) IN GENERAL.—Each State agency described in section 1411 (other than an agency in the Commonwealth of Puerto Rico) is eligible to receive a subgrant under this part, for each fiscal year, an amount equal to the product of—

"(A) the number of neglected or delinquent children and youth described in section 1411 who—

"(i) are enrolled for at least 15 hours per week in education programs in adult correctional institutions; and

"(ii) are enrolled for at least 20 hours per week—

"(I) in education programs in institutions for neglected or delinquent children; or

"(II) in community day programs for neglected or delinquent children; and

"(B) 40 percent of the average per-pupil expenditure in the State, except that the amount determined under this paragraph shall not be less than 32 percent, or more than 48 percent, of the average per-pupil expenditure in the United States.

"(2) SPECIAL RULE.—The number of neglected or delinquent children and youth determined under paragraph (1) shall—

"(A) be determined by the State agency by a deadline set by the Secretary, except that no State agency shall be required to determine the number of such children on a specific date set by the Secretary; and

"(B) be adjusted, as the Secretary determines is appropriate, to reflect the relative length of such agency's annual programs.

"(b) SUBGRANTS TO STATE AGENCIES IN PUERTO RICO.—For each fiscal year, the amount of the subgrant for which a State agency in the Commonwealth of Puerto Rico is eligible under this part shall be equal to—

"(1) the number of children and youth counted under subsection (a)(1) for the Commonwealth of Puerto Rico; multiplied by

"(2) the product of—

"(A) the percentage that the average per-pupil expenditure in the Commonwealth of Puerto Rico is of the lowest average per-pupil expenditure of any of the 50 States; and

"(B) 32 percent of the average per-pupil expenditure in the United States.

"(c) RATABLE REDUCTIONS IN CASE OF INSUFFICIENT APPROPRIATIONS.—If the amount appropriated for any fiscal year for subgrants under subsections (a) and (b) is insufficient to pay the full amount for which all agencies are eligible under such subsections, the Secretary shall ratably reduce each such amount.

"SEC. 1413. STATE REALLOCATION OF FUNDS.

"If a State educational agency determines that a State agency does not need the full amount of the subgrant for which such State agency is eligible under this part for any fiscal year, the State educational agency may reallocate the amount that will not be needed to other eligible State agencies that need additional funds to carry out the purpose of this part, in such amounts as the State educational agency shall determine.

"SEC. 1414. STATE PLAN AND STATE AGENCY APPLICATIONS.

"(a) STATE PLAN.—

"(1) IN GENERAL.—Each State educational agency that desires to receive a grant under this part shall submit, for approval by the Secretary, a plan for meeting the needs of neglected and delinquent youth and, where applicable, youth at risk of dropping out of school which is integrated with other programs under this Act, the Goals 2000: Educate America Act, or other Acts, as appropriate, consistent with section 14306.

"(2) CONTENTS.—Each such State plan shall—

"(A) describe the program goals, objectives, and performance measures established by the State that will be

used to assess the effectiveness of the program in improving academic and vocational skills of children in the program;

"(B) provide that, to the extent feasible, such children will have the same opportunities to learn as such children would have if such children were in the schools of local educational agencies in the State; and

"(C) contain assurances that the State educational agency will—

"(i) ensure that programs assisted under this part will be carried out in accordance with the State plan described in this subsection;

"(ii) carry out the evaluation requirements of section 1416;

"(iii) ensure that the State agencies receiving subgrants under this subpart comply with all applicable statutory and regulatory requirements; and

"(iv) provide such other information as the Secretary may reasonably require.

"(3) DURATION OF THE PLAN.—Each such State plan shall—

"(A) remain in effect for the duration of the State's participation under this part; and

"(B) be periodically reviewed and revised by the State, as necessary, to reflect changes in the State's strategies and programs under this part.

"(b) SECRETARIAL APPROVAL; PEER REVIEW.—

"(1) IN GENERAL.—The Secretary shall approve each State plan that meets the requirements of this part.

"(2) PEER REVIEW.—The Secretary may review any State plan with the assistance and advice of individuals with relevant expertise.

"(c) STATE AGENCY APPLICATIONS.—Any State agency that desires to receive funds to carry out a program under this part shall submit an application to the State educational agency that—

"(1) describes the procedures to be used, consistent with the State plan under section 1111, to assess the educational needs of the children to be served;

"(2) provides assurances that in making services available to youth in adult correctional facilities, priority will be given to such youth who are likely to complete incarceration within a 2-year period;

"(3) describes the program, including a budget for the first year of the program, with annual updates to be provided to the State educational agency;

"(4) describes how the program will meet the goals and objectives of the State plan under this subpart;

"(5) describes how the State agency will consult with experts and provide the necessary training for appropriate staff, to ensure that the planning and operation of institution-wide projects under section 1416 are of high quality;

"(6) describes how the agency will carry out the evaluation requirements of section 14701 and how the results of the most recent evaluation are used to plan and improve the program;

"(7) includes data showing that the agency has maintained fiscal effort required of a local educational agency, in accordance with section 14501 of this title;

"(8) describes how the programs will be coordinated with other appropriate State and Federal programs, such as programs under the Job Training Partnership Act, vocational education programs, State and local dropout prevention programs, and special education programs;

"(9) describes how appropriate professional development will be provided to teachers and other staff;

"(10) designates an individual in each affected institution to be responsible for issues relating to the transition of children and youth from the institution to locally operated programs;

"(11) describes how the agency will, endeavor to coordinate with businesses for training and mentoring for participating youth;

"(12) provides assurances that the agency will assist in locating alternative programs through which students can continue their education if students are not returning to school after leaving the correctional facility;

"(13) provides assurances that the agency will work with parents to secure parents' assistance in improving the educational achievement of their children and preventing their children's further involvement in delinquent activities;

"(14) provides assurances that the agency works with special education youth in order to meet an existing individualized education program and an assurance that the agency will notify the youth's local school if such youth—

"(A) is identified as in need of special education services while the youth is in the facility; and

"(B) intends to return to the local school;

"(15) provides assurances that the agency will work with youth who dropped out of school before entering the facility to encourage the youth to reenter school once the term of the youth has been completed or provide the youth with the skills necessary to gain employment, continue the education of the youth, or achieve a secondary school diploma or the recognized equivalent if the youth does not intend to return to school;

"(16) provides assurances that teachers and other qualified staff are also trained to work with children with disabilities and other students with special needs taking into consideration the unique needs of such students;

"(17) describes any additional services provided to youth, such as career counseling, and assistance in securing student loans and grants; and

"(18) provides assurances that the program under this subpart will be coordinated with any programs operated under the Juvenile Justice and Delinquency Prevention Act of 1974 or other comparable programs, if applicable.

"SEC. 1415. USE OF FUNDS.

"(a) IN GENERAL.—

"(1) USES.—A State agency shall use funds received under this subpart only for programs and projects that—

"(A) are consistent with the State plan under section 1414(a); and

"(B) concentrate on providing participants with the knowledge and skills needed to make a successful transition to secondary school completion, further education, or employment.

"(2) PROGRAMS AND PROJECTS.—Such programs and projects—

"(A) may include the acquisition of equipment;

"(B) shall be designed to support educational services that—

"(i) except for institution-wide projects under section 1416, are provided to children identified by the State agency as failing, or most at risk of failing, to meet the State's challenging State content standards and challenging State student performance standards;

"(ii) supplement and improve the quality of the educational services provided to such children by the State agency; and

"(iii) afford such children an opportunity to learn to such challenging State standards;

"(C) shall be carried out in a manner consistent with section 1120A and part F of this title; and

"(D) may include the costs of meeting the evaluation requirements of section 14701.

"(b) SUPPLEMENT, NOT SUPPLANT.—A program under this subpart that supplements the number of hours of instruction students receive from State and local sources shall be considered to comply with the supplement, not supplant requirement of section 1120A without regard to the subject areas in which instruction is given during those hours.

"SEC. 1416. INSTITUTION-WIDE PROJECTS.

"A State agency that provides free public education for children and youth in an institution for neglected or delinquent children (other than an adult correctional institution) or attending a community-day program for such children may use funds received under this part to serve all children in, and upgrade the entire educational effort of, that institution or program if the State agency has developed, and the State educational agency has approved, a comprehensive plan for that institution or program that—

"(1) provides for a comprehensive assessment of the educational needs of all youth in the institution or program serving juveniles;

"(2) provides for a comprehensive assessment of the educational needs of youth aged 20 and younger in adult facilities who are expected to complete incarceration within a two-year period;

"(3) describes the steps the State agency has taken, or will take, to provide all children under age 21 with the opportunity to meet challenging State content standards and challenging State student performance standards in order to improve the likelihood that the students will complete secondary school, attain secondary diploma or its recognized equivalent, or find employment after leaving the institution;

"(4) describes the instructional program, pupil services, and procedures that will be used to meet the needs described in paragraph (1), including, to the extent feasible, the provision of mentors for students;

"(5) specifically describes how such funds will be used;

"(6) describes the measures and procedures that will be used to assess student progress;

"(7) describes how the agency has planned, and will implement and evaluate, the institution-wide or program-wide project in consultation with personnel providing direct instructional services and support services in institutions or community-day programs for neglected or delinquent children and personnel from the State educational agency; and

"(8) includes an assurance that the State agency has provided for appropriate training for teachers and other instructional and administrative personnel to enable such teachers and personnel to carry out the project effectively.

"SEC. 1417. THREE-YEAR PROGRAMS OR PROJECTS.

"If a State agency operates a program or project under this subpart in which individual children are likely to participate for more than one year, the State educational agency may approve the State agency's application for a subgrant under this part for a period of not more than three years.

"SEC. 1418. TRANSITION SERVICES.

"(a) TRANSITION SERVICES.—Each State agency shall reserve not more than 10 percent of the amount such agency receives under this subpart for any fiscal year to support projects that facilitate the transition of children from State-operated institutions to local educational agencies.

"(b) CONDUCT OF PROJECTS.—A project supported under this section may be conducted directly by the State agency, or through a contract or other arrangement with one or more local educational agencies, other public agencies, or private nonprofit organizations.

"(c) LIMITATION.—Any funds reserved under subsection (a) shall be used only to provide transitional educational services, which may include pupil services and mentoring, to neglected and delinquent children in schools other than State-operated institutions.

"(d) CONSTRUCTION.—Nothing in this section shall be construed to prohibit a school that receives funds under subsection (a) from serving neglected and delinquent children simultaneously with students with similar educational needs, in the same educational settings where appropriate.

"Subpart 2—Local Agency Programs

"SEC. 1421. PURPOSE.

"The purpose of this subpart is to support the operation of local educational agency programs which involve collaboration with locally operated correctional facilities to—

"(1) carry out high quality education programs to prepare youth for secondary school completion, training, and employment, or further education;

"(2) provide activities to facilitate the transition of such youth from the correctional program to further education or employment; and

"(3) operate dropout prevention programs in local schools for youth at risk of dropping out of school and youth returning from correctional facilities.

"SEC. 1422. PROGRAMS OPERATED BY LOCAL EDUCATIONAL AGENCIES.

"(a) LOCAL SUBGRANTS.—With funds retained made available under section 1402(b), the State educational agency shall award subgrants to local educational agencies with high numbers or percentages of youth residing in locally operated (including county operated) correctional facilities for youth (including facilities involved in day programs).

"(b) SPECIAL RULE.—A local educational agency which includes a correctional facility that operates a school is not required to operate a dropout prevention program if more than 30 percent of the youth attending such facility will reside outside the boundaries of the local educational agency upon leaving such facility.

"(c) NOTIFICATION.—A State educational agency shall notify local educational agencies within the State of the eligibility of such agencies to receive a subgrant under this subpart.

"SEC. 1423. LOCAL EDUCATIONAL AGENCY APPLICATIONS.

"Eligible local educational agencies desiring assistance under this section shall submit an application to the State educational agency, containing such information as the State educational agency may require. Each such application shall include—

"(1) a description of the program to be assisted;

"(2) a description of formal agreements between—

"(A) the local educational agency; and

"(B) correctional facilities and alternative school programs serving youth involved with the juvenile justice system to operate programs for delinquent youth;

"(3) as appropriate, a description of how participating schools will coordinate with facilities working with delinquent youth to ensure that such youth are participating in an education program comparable to one operating in the local school such youth would attend;

"(4) as appropriate, a description of the dropout prevention program operated by participating schools and the types of services such schools will provide to at risk youth in participating schools and youth returning from correctional facilities;

"(5) as appropriate, a description of the youth expected to be served by the dropout prevention program and how the school will be coordinating existing educational programs to meet unique education needs;

"(6) as appropriate, a description of how schools will coordinate with existing social and health services to meet the needs of students at risk of dropping out of school and other participating students, including prenatal health care and nutrition services related to the health of the parent and child, parenting and child development classes, child care, targeted

re-entry and outreach programs, referrals to community resources, and scheduling flexibility;

"(7) as appropriate, a description of any partnerships with local businesses to develop training and mentoring services for participating students;

"(8) as appropriate, a description of how the program will involve parents in efforts to improve the educational achievement of their children, assist in dropout prevention activities, and prevent the involvement of their children in delinquent activities;

"(9) a description of how the program under this subpart will be coordinated with other Federal, State, and local programs, such as programs under the Job Training and Partnership Act and vocational education programs serving this at-risk population of youth;

"(10) a description of how the program will be coordinated with programs operated under the Juvenile Justice and Delinquency Prevention Act of 1974 and other comparable programs, if applicable;

"(11) as appropriate, a description of how schools will work with probation officers to assist in meeting the needs of youth returning from correctional facilities;

"(12) a description of efforts participating schools will make to ensure correctional facilities working with youth are aware of a child's existing individualized education program; and

"(13) as appropriate, a description of the steps participating schools will take to find alternative placements for youth interested in continuing their education but unable to participate in a regular public school program.

"SEC. 1424. USES OF FUNDS.

"Funds provided to local educational agencies under this subpart may be used, where appropriate, for—

"(1) dropout prevention programs which serve youth at educational risk, including pregnant and parenting teens, youth who have come in contact with the juvenile justice system, youth at least one year behind their expected grade level, migrant youth, immigrant youth, students with limited-English proficiency and gang members;

"(2) the coordination of health and social services for such individuals if there is a likelihood that the provision of such services, including day care and drug and alcohol counseling, will improve the likelihood such individuals will complete their education; and

"(3) programs to meet the unique education needs of youth at risk of dropping out of school, which may include vocational education, special education, career counseling, and assistance in securing student loans or grants.

"SEC. 1425. PROGRAM REQUIREMENTS FOR CORRECTIONAL FACILITIES RECEIVING FUNDS UNDER THIS SECTION.

"Each correctional facility entering into an agreement with a local educational agency under section 1422(a) to provide services to youth under this section shall—

“(1) where feasible, ensure educational programs in juvenile facilities are coordinated with the student's home school, particularly with respect to special education students with an individualized education program;

“(2) notify the local school of a youth if the youth is identified as in need of special education services while in the facility;

“(3) where feasible, provide transition assistance to help the youth stay in school, including coordination of services for the family, counseling, assistance in accessing drug and alcohol abuse prevention programs, tutoring, and family counseling;

“(4) provide support programs which encourage youth who have dropped out to reenter school once their term has been completed or provide such youth with the skills necessary for such youth to gain employment or seek a secondary school diploma or its recognized equivalent;

“(5) work to ensure such facilities are staffed with teachers and other qualified staff who are trained to work with children with disabilities and other students with special needs taking into consideration the unique needs of such children and students;

“(6) ensure educational programs in correctional facilities are related to assisting students meet high educational standards;

“(7) use, to the extent possible, technology to assist in coordinating educational programs between the juvenile facility and the community school;

“(8) where feasible, involve parents in efforts to improve the educational achievement of their children and prevent the further involvement of such children in delinquent activities;

“(9) coordinate funds received under this program with other local, State, and Federal funds available to provide services to participating youth, such as funds under the Job Training Partnership Act, and vocational education funds;

“(10) coordinate programs operated under this subpart with activities funded under the Juvenile Justice and Delinquency Prevention Act of 1974 and other comparable programs, if applicable; and

“(11) if appropriate, work with local businesses to develop training and mentoring programs for participating youth.

“SEC. 1426. ACCOUNTABILITY.

“The State educational agency may—

“(1) reduce or terminate funding for projects under this section if a local educational agency does not show progress in reducing dropout rates for male students and for female students over a 3-year period; and

“(2) require juvenile facilities to demonstrate, after receiving assistance under this subpart for 3 years, that there has been an increase in the number of youth returning to school, obtaining a secondary school diploma or its recognized equivalent, or obtaining employment after such youth are released.

"Subpart 3—General Provisions

"SEC. 1431. PROGRAM EVALUATIONS.

"(a) SCOPE OF EVALUATION.—Each State agency or local educational agency that conducts a program under subpart 1 or 2 shall evaluate the program, disaggregating data on participation by sex, and if feasible, by race, ethnicity, and age, not less than once every three years to determine the program's impact on the ability of participants to—

"(1) maintain and improve educational achievement;

"(2) accrue school credits that meet State requirements for grade promotion and secondary school graduation;

"(3) make the transition to a regular program or other education program operated by a local educational agency; and

"(4) complete secondary school (or secondary school equivalency requirements) and obtain employment after leaving the institution.

"(b) EVALUATION MEASURES.—In conducting each evaluation under subsection (a), a State agency or local educational agency shall use multiple and appropriate measures of student progress.

"(c) EVALUATION RESULTS.—Each State agency and local educational agency shall—

"(1) submit evaluation results to the State educational agency; and

"(2) use the results of evaluations under this section to plan and improve subsequent programs for participating children and youth.

"SEC. 1432. DEFINITIONS.

"For the purpose of this part:

"(1) The term 'adult correctional institution' means a facility in which persons are confined as a result of a conviction for a criminal offense, including persons under 21 years of age.

"(2) The term 'at-risk youth' means school aged youth who are at risk of academic failure, have drug or alcohol problems, are pregnant or are parents, have come into contact with the juvenile justice system in the past, are at least one year behind the expected grade level for the age of the youth, have limited-English proficiency, are gang members, have dropped out of school in the past, or have high absenteeism rates at school.

"(3) The term 'community day program' means a regular program of instruction provided by a State agency at a community day school operated specifically for neglected or delinquent children.

"(4) The term 'institution for delinquent children and youth' means a public or private residential facility for the care of children who have been adjudicated to be delinquent or in need of supervision.

"(5) The term 'institution for neglected children' means a public or private residential facility, other than a foster home, that is operated for the care of children who have been committed to the institution or voluntarily placed in the institution under applicable State law, due to abandonment, neglect, or death of their parents or guardians.

"PART E—FEDERAL EVALUATIONS, DEMONSTRATIONS, AND TRANSITION PROJECTS

"SEC. 1501. EVALUATIONS.

"(a) National Assessment.—

"(1) In general.—The Secretary shall conduct a national assessment of programs assisted under this title, in coordination with the ongoing National Evaluation under subsection (b) that shall be planned, reviewed, and conducted in consultation with an independent panel of researchers, State practitioners, local practitioners, and other appropriate individuals.

"(2) Examination.—The assessment shall examine how well schools, local educational agencies, and States are—

"(A) progressing toward the goal of all children served under this title reaching the State's challenging State content standards and challenging State student performance standards; and

"(B) accomplishing the purpose set forth in section 1001(d) to achieve the goal described in paragraph (1), including—

"(i) ensuring challenging State content standards and challenging State student performance standards for all children served under this title and aligning the efforts of States, local educational agencies, and schools to help such children reach such standards;

"(ii) providing children served under this title an enriched and accelerated educational program through schoolwide programs or through additional services that increase the amount and quality of instructional time that such children receive;

"(iii) promoting schoolwide reform and access for all children served under this title to effective instructional strategies and challenging academic content;

"(iv) significantly upgrading the quality of the curriculum and instruction by providing staff in participating schools with substantial opportunities for professional development;

"(v) using and evaluating the usefulness of opportunity-to-learn standards or strategies in improving learning in schools receiving assistance under this part;

"(vi) coordinating services provided under all parts of this title with each other, with other educational and pupil services, including preschool services, and, to the extent feasible, with health and social service programs funded from other sources;

"(vii) affording parents of children served under this title meaningful opportunities to participate in the education of their children at home and at school, such as the provision of family literacy services;

"(viii) distributing resources to areas where needs are greatest;

"(ix) improving accountability, as well as teaching and learning, by making assessments under this title congruent with State assessment systems; and

"(x) providing greater decisionmaking authority and flexibility to schools in exchange for greater responsibility for student performance.

"(3) NAEP INFORMATION.—Where feasible, the Secretary shall use information gathered from a variety of sources, including the National Assessment of Educational Progress, State evaluations, and available research studies, in carrying out this subsection.

"(4) INTERIM AND FINAL REPORTS.—The Secretary shall submit to the President and the appropriate committees of the Congress an interim report by January 1, 1996, summarizing the preliminary findings of the assessment and a final report of the findings of the assessment by January 1, 1998.

"(b) STUDIES AND DATA COLLECTION.—

"(1) IN GENERAL.—The Secretary may collect such data, as necessary, at the State, local, and school levels and conduct studies and evaluations, including national studies and evaluations, to assess on an ongoing basis the effectiveness of programs under this title and to report on such effectiveness on a periodic basis. The Secretary shall report not later than December 31, 1997 to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate on how schoolwide programs are meeting the needs of children from migratory families.

"(2) MINIMUM INFORMATION.—At a minimum, the Secretary shall collect trend information on the effect of programs under this title. Such data shall complement the data collected and reported under subsections (a) and (c).

"(c) NATIONAL EVALUATION OF PART A OF TITLE I.—

"(1) IN GENERAL.—The Secretary shall carry out an ongoing evaluation of the program assisted under part A of title I in order to provide the public, the Congress, and educators involved in such program, an accurate description of the short- and long-term effectiveness of such program and to provide information that can be used to improve such program's effectiveness in enabling students to meet challenging State content standards and challenging State student performance standards, graduate from secondary school, and make successful transitions to postsecondary education and work. Such evaluation shall—

"(A) have a longitudinal design that tracks cohorts of students within schools of differing poverty concentrations for at least three years which, when the cohorts are taken as a whole, provides a picture of such program's effectiveness over the elementary and secondary grades;

"(B) be separate and independent from State and local assessments and evaluations as required under this title;

"(C) utilize the highest available content standards that are generally accepted as national in scope;

"(D) provide information on all students, students served under part A, and, if funds are sufficient, information on students from low-income families, limited-English-proficient students, and students with disabilities; and

"(E) when feasible, collect, cross-tabulate, and report data by sex within race or ethnicity and socioeconomic status.

"(2) USE.—The Secretary shall use the results of the evaluation described in paragraph (1) as part of the national assessment required by subsection (a) and shall report the data from such evaluation to the Congress and the public at least as frequently as reports are made under subsection (a)(4).

"(d) DEVELOPMENTALLY APPROPRIATE MEASURES.—In conducting the national assessment under subsection (a) and the national ongoing evaluation under subsection (c), the Secretary shall use developmentally appropriate measures to assess student performance and progress.

"(e) PARENTAL INVOLVEMENT, STUDY, REPORT AND DISSEMINATION.—

"(1) IN GENERAL.—The Secretary, through the Office of Education Research and Improvement, shall conduct a study to identify and describe—

"(A) common barriers to effective parental involvement in the education of participating children; and

"(B) successful local policies and programs which improve parental involvement and the performance of participating children.

"(2) DUTIES OF SECRETARY.—The Secretary shall—

"(A) complete such study by December 31, 1996;

"(B) report the findings of such study to the Committee on Education and Labor of the House of Representatives and to the Committee on Labor and Human Resources of the Senate; and

"(C) disseminate the findings, relating to the successful local policies and programs which improve parental involvement and the performance of participating children, to local educational agencies.

"SEC. 1502. DEMONSTRATIONS OF INNOVATIVE PRACTICES.

"(a) DEMONSTRATION PROGRAMS TO IMPROVE ACHIEVEMENT.—

"(1) IN GENERAL.—From the funds appropriated for any fiscal year under section 1002(g)(2), the Secretary may make grants to State educational agencies, local educational agencies, other public agencies, nonprofit organizations, public or private partnerships involving business and industry organizations, and consortia of such entities to carry out demonstration projects that show the most promise of enabling children served under this title to meet challenging State content standards and challenging State student performance standards. Such projects shall include promising strategies such as—

"(A) accelerated curricula, the application of new technologies to improve teaching and learning, extended learning time, and a safe and enriched full-day environment for children to provide children the opportunity to reach such standards;

"(B) integration of education services with each other and with health, family, and other social services such as mentoring programs, particularly in empowerment zones and enterprise communities;

"(C) effective approaches to whole school reform;

"(D) programs that have been especially effective with limited-English-proficient children, migratory children and other highly mobile students, children leaving institutions for neglected or delinquent children and returning to school, and homeless children and youth;

"(E) programs which are especially effective in recruiting, inducting and retaining highly qualified teachers for service in schools with low student achievement; and

"(F) programs that are built upon partnerships developed between elementary and middle schools, employers, and the community, which emphasize the integration of high quality academic and vocational learning, stress excellence and high expectations for success in academic subjects, instill responsibility, decisionmaking, problem solving, interpersonal skills, and other compentencies in students, and make school relevant to the workplace and the community, through applied and interactive teaching methodologies, team teaching strategies, learning opportunities connecting school, the workplace, and the community, and career exploration, awareness, and career guidance opportunities.

"(2) EVALUATION.—The Secretary shall evaluate the demonstration projects supported under this title, using rigorous methodological designs and techniques, including control groups and random assignment, to the extent feasible, to produce reliable evidence of effectiveness.

"(b) PARTNERSHIPS.—From funds appropriated under section 1002(g)(2) for any fiscal year, the Secretary may, directly or through grants or contracts, work in partnership with State educational agencies, local educational agencies, other public agencies, and nonprofit organizations to disseminate and use the highest quality research and knowledge about effective practices to improve the quality of teaching and learning in schools assisted under this title.

"SEC. 1503. INNOVATIVE ELEMENTARY SCHOOL TRANSITION PROJECTS.

"(a) IN GENERAL.—From the amount appropriated under section 1002(g)(2), the Secretary shall provide not less than $10,000,000, but not more than $40,000,000 to support innovative transition projects in elementary schools authorized under this section.

"(b) GRANTS.—

"(1) LOCAL PROGRAMS.—The Secretary shall award grants to local educational agencies (including such agencies that operate Follow Through programs, Even Start, and other comparable programs) that have formed consortia with early childhood programs (including Head Start, where available) for the purpose of supporting projects, for children from low-income families who previously attended a Head Start program, Even

Start program, or similar preschool program, which provide education and other services in early elementary grades.

"(2) PURPOSES OF PROJECTS.—The purposes of projects assisted under this section are to—

"(A) assist eligible children and their families in making a successful transition from preschool through the early elementary grades;

"(B) enable eligible children to achieve challenging academic standards through a model, developmentally appropriate, instructional program; and

"(C) support the active involvement of parents in the education of their children.

"(3) COMPONENTS.—A program assisted under this subsection—

"(A) shall provide transition to elementary school activities, such as—

"(i) development of a transition plan for each child which provides for instruction, support, and assistance through the third grade;

"(ii) transfer of each child's preschool records to the elementary school (with parental consent);

"(iii) formal meetings between a child's parent, preschool teacher, and kindergarten or first grade teacher; and

"(iv) kindergarten visits and other orientation activities for preschool children prior to enrollment in elementary school;

"(B) shall use an instructional approach which—

"(i) has been shown to be effective in providing transition services; or

"(ii) shows promise of providing effective transition services;

"(C) shall provide for the direct participation of the parents of such children in the development, operation, and evaluation of such program;

"(D) shall provide directly or through referral comprehensive educational, health, nutritional, social, and other services that aid in the continued development of eligible children to their full potential;

"(E) shall ensure that each supportive services team developed pursuant to subsection (c)(8) includes a sufficient number of family service coordinators to adequately meet the needs of eligible children and their families; and

"(F) may provide for the use of mentors who are secondary school students to assist elementary and secondary students who were formerly enrolled in Head Start or Even Start programs.

"(c) APPLICATIONS.—An application for a grant under subsection (b) shall—

"(1) describe the goals which the applicant plans to achieve;

"(2) describe the instructional approach the applicant will use, and the manner in which the applicant will implement such approach;

"(3) describe the transition to elementary school activities for which assistance is sought;

"(4) describe the members of the consortium required by subsection (b)(1);

"(5) shall include evidence that the consortium members each have performed assessments of their programs to ensure that such members have the capacity to address the health, immunization, mental health, nutrition, parenting education, literacy, social service (including substance abuse, education, and prevention), and educational needs of low-income students and their families whom the consortium members plan to serve;

"(6) describe how the project will be coordinated with title I, title VII, and other programs under this Act;

"(7) provide evidence that the proposed transition activities, instruction, and other services to be provided by the applicant have been specifically designed to build upon, and coordinate with, the services provided to eligible children and their parents by local Heat Start, Even Start, and other similar preschool programs;

"(8) include—

"(A) a plan for the development of a support services team, including a family service coordinator, to—

"(i) assist families, administrators, and teachers to respond to health, immunization, mental health, nutrition, social service, and educational needs of eligible students;

"(ii) conduct home visits and help students and their families to obtain health, immunization, mental health, nutrition, parenting education, literacy, education (including tutoring and remedial services), and social services (including substance abuse treatment, education, and prevention), for which students and their families are eligible;

"(iii) coordinate a family outreach and support program, including a plan for involving parents in the management of the program under subsection (b), in cooperation with parental involvement efforts undertaken pursuant to this part, the Head Start Act, and the Individuals with Disabilities Education Act, including school-parent compacts, parent volunteer activities, parent education services and training such as the services and training provided through the Even Start program, and regular meetings; and

"(iv) assist families, administrators, and teachers in enhancing developmental continuity between the programs assisted under the Head Start Act, other early childhood development programs, and elementary school classes; or

"(B) a description of the comprehensive, coordinated services currently provided to children eligible for services under this section;

"(9) designate a member of the support services team described in paragraph (8) who will serve as the supervisor of such support services team;

"(10) contain assurances that State agencies, local agencies, and community-based organizations that provide support services to low-income students served by the local educational agency consortium have been consulted in the preparation of the plan described in paragraph (8);

"(11) contain assurances that State agencies, local agencies, and community-based organizations that provide support services to low-income students served by the local educational agency consortium will designate an individual who will act as a liaison to the support services team described in paragraph (8);

"(12) describe the target population to be served by the support services team described in paragraph (8), including families previously served under part C of the Head Start Act, or other comparable early childhood development program;

"(13) describe the support services to be provided, directly or through referral;

"(14) describe the Federal and non-Federal resources that will be used to carry out the program;

"(15) contain assurances that the support services described in paragraph (8) will be equipped to assist children and families with limited-English proficiency or with disabilities;

"(16) include a plan describing how the program assisted under this section will be sustained, with funding received under part A or other Federal and non-Federal funding sources, after the grant has expired; and

"(17) contain such other information as the Secretary may reasonably require.

"(d) NATIONAL ACTIVITIES.—

"(1) IN GENERAL.—Of the amount provided under subsection (a) to carry out this section, the Secretary shall use not less than $3,000,000 but not more $5,000,000 to carry out national activities to evaluate and improve the use of innovative transition programs.

"(2) TECHNICAL ASSISTANCE AND TRAINING.— Of the amount reserved under paragraph (1), the Secretary shall use not less than $3,000,000 to award grants to public and private nonprofit agencies, institutions, and organizations to provide to consortia which receive grants under subsection (b)(1) and, to the extent feasible, to schools that are designated schoolwide programs under section 1114—

"(A) technical assistance in the implementation and expanded use of model transition and instructional approaches, including the use of appropriate pedagogy, efforts to increase parental involvement and providing access to coordinated services; and

"(B) training in conjunction with the implementation and operation of such model approaches.

"(3) COORDINATION AND DISSEMINATION.—The Secretary, in cooperation with the Secretary of Health and Human Services, may promote coordination of activities assisted under this section with the projects funded under the Head Start Transition Projects Act, including a process to—

"(A) collect information on program activities and results; and

"(B) disseminate information on successful transition programs.

"(4) EVALUATION.—(A) The Secretary, in cooperation with the Secretary of Health and Human Services, is authorized to award grants, or enter into contracts or cooperative agreements, to provide for the evaluation of the programs assisted under this section.

"(B) To the extent practicable, such evaluations shall be conducted jointly with evaluations of Head Start Transition Projects.

"(5) OTHER ACTIVITIES.—The Secretary may undertake other activities to promote the replication of successful transition programs.

"(e) COORDINATION OF REGULATIONS.—The Secretary shall work with the Secretary of Health and Human Services to coordinate regulations promulgated under this section with regulations promulgated under the Head Start Act Amendments of 1994.

"(f) GENERAL PROVISIONS.—

"(1) PRIORITY.—In awarding grants under subsection (b)(1), the Secretary shall give priority to applicants that—

"(A) will operate a project under this section at a school designated as a schoolwide program under section 1114;

"(B) serve local educational agencies that have the highest numbers or percentages of poor children; and

"(C) demonstrate a significant commitment by the community to the proposed program, as evidenced by the level of resources, both cash and in-kind, from other public and private sources available to the consortium.

"(2) SUPPLEMENT.—An application for assistance under this section may not be approved unless the Secretary is satisfied that the services to be provided by the applicant will supplement, and not supplant, services that previously provided other Federal assistance.

"(3) SUFFICIENT SIZE.—A grant under subsection (b)(1) shall be of sufficient size and scope to enable the grantee to operate a project which meets the requirements of this section.

"(4) URBAN AND RURAL GRANTS.—To the extent practicable, the Secretary shall award grants under subsection (b)(1) to consortia in both urban and rural areas.

"(5) RENEWAL GRANT.—To be eligible to renew a grant under the section, an applicant that received assistance under subsection (b)(1) shall demonstrate that the project achieved the purposes described in subsection (b)(2).

"(g) DEFINITIONS.—As used in this section:

"(1) FAMILY SERVICES COORDINATOR.—The term 'family services coordinator' means an individual who has the skills necessary to assist families in obtaining support services and may be an existing employee of a local educational agency or Head Start agency.

"(2) HEAD START AGENCY.—The term 'Head Start agency' means any agency designated as a Head Start agency under the Head Start Act (42 U.S.C. 9831 et seq.).

"(3) SUPPORT SERVICES.—The term 'support services' means services that enhance the physical, social, emotional, and intellectual development of low-income children, including the provision of necessary support to the parents and other family members of such children.

"PART F—GENERAL PROVISIONS

"SEC. 1601. FEDERAL REGULATIONS.

"(a) IN GENERAL.—The Secretary is authorized to issue such regulations as are necessary to reasonably ensure that there is compliance with this title.

"(b) NEGOTIATED RULEMAKING PROCESS.—

"(1) IN GENERAL.—Prior to publishing in the Federal Register proposed regulations to carry out this title, the Secretary shall obtain the advice and recommendations of representatives of Federal, State, and local administrators, parents, teachers, and members of local boards of education involved with the implementation and operation of programs under this title.

"(2) MEETINGS AND ELECTRONIC EXCHANGE.—Such advice and recommendation may be obtained through such mechanisms as regional meetings and electronic exchanges of information.

"(3) PROPOSED REGULATIONS.—After obtaining such advice and recommendations, and prior to publishing proposed regulations, the Secretary shall—

"(A) establish a negotiated rulemaking process on a minimum of two key issues, including—

"(i) schoolwide programs; and

"(ii) standards and assessment;

"(B) select individuals to participate in such process from among individuals or groups which provided advice and recommendations, including representation from all geographic regions of the United States; and

"(C) prepare a draft of proposed policy options that shall be provided to the individuals selected by the Secretary under subparagraph (A) not less than 15 days prior to the first meeting under such process.

"(4) PROCESS.—Such process—

"(A) shall be conducted in a timely manner to ensure that final regulations are issued by the Secretary not later than July 1, 1995; and

"(B) shall not be subject to the Federal Advisory Committee Act but shall otherwise follow the provisions of the Negotiated Rulemaking Act of 1990 (5 U.S.C. 561 et seq.).

"(5) EMERGENCY SITUATION.—In an emergency situation in which regulations to carry out this title must be issued with a very limited time to assist State and local educational agencies with the operation of a program under this title, the Secretary may issue proposed regulations without following such process but shall, immediately thereafter and prior to issuing final regulations, conduct regional meetings to review such proposed regulations.

"(c) Limitation.—Regulations to carry out this part may not require local programs to follow a particular instructional model, such as the provision of services outside the regular classroom or school program.

"SEC. 1602. COORDINATION OF FEDERAL, STATE, AND LOCAL ADMINISTRATION.

"(a) Program Assistance Manual.—The Secretary shall, not later than six months after the publication of final regulations under this title, prepare and distribute to State educational agencies, State agencies operating programs under parts C and D, and local educational agencies, and shall make available to parents and other interested individuals, organizations, and agencies, a manual for this title to—

"(1) assist such agencies in—

"(A) enhancing the quality, increasing the depth, or broadening the scope of activities for programs under this title;

"(B) applying for program funds under this title; and

"(C) meeting the program objectives under this title;

"(2) assist State educational agencies in achieving proper and efficient administration of programs funded under this title;

"(3) assist parents to become involved in the planning for, and implementation and evaluation of, programs and projects under this title; and

"(4) ensure that officers and employees of the Department, including officers and employees of the Secretary and officers and employees of the Department charged with auditing programs carried on under this title, uniformly interpret, apply, and enforce requirements under this title throughout the United States.

"(b) Contents of Policy Manual.—The policy manual shall, with respect to programs carried out under this title, contain descriptions, statements, procedural and substantive rules, opinions, policy statements and interpretations and indices to and amendments of the foregoing, and in particular, whether or not such descriptions, statements, procedural and substantive rules, opinions, policy statements and interpretations and indices are required under section 552 of title 5, United States Code, to be published or made available. The manual shall include—

"(1) a statement of the requirements applicable to the programs carried out under this title, including such requirements contained in this title, the General Education Provisions Act, other applicable statutes, and regulations issued under the authority of such statutes;

"(2) an explanation of the purpose of each requirement and its interrelationship with other applicable requirements; and

"(3) model forms and instructions developed by the Secretary for use by State and local educational agencies, at the discretion of such agencies, including, application forms, application review checklists, and instruments for monitoring programs under this title.

"(c) Response to Inquiries.—The Secretary shall respond with written guidance not later than 90 days after any written request

(return receipt requested) from a State or local educational agency regarding a policy, question, or interpretation under this title is received. In the case of a request from a local educational agency, such agency is required to address its request to the State educational agency first.

"SEC. 1603. STATE ADMINISTRATION.

"(a) RULEMAKING.—

"(1) IN GENERAL.—Each State that receives funds under this title shall—

"(A) ensure that any State rules, regulations, and policies relating to this title conform to the purposes of this title and provide any such proposed rules, regulations, and policies to the committee of practitioners under subsection (b) for their review and comment;

"(B) minimize such rules, regulations, and policies to which their local educational agencies and schools are subject; and

"(C) identify any such rule, regulation, or policy as a State-imposed requirement.

"(2) SUPPORT AND FACILITATION.—State rules, regulations, and policies under this title shall support and facilitate local educational agency and school-level systemic reform designed to enable all children to meet the challenging State content standards and challenging State student performance standards.

"(b) COMMITTEE OF PRACTITIONERS.—

"(1) IN GENERAL.—Each State educational agency shall create a State committee of practitioners to advise the State in carrying out its responsibilities under this title.

"(2) MEMBERSHIP.—Each such committee shall include—

"(A) as a majority of its members, representatives from local educational agencies;

"(B) administrators;

"(C) teachers, including vocational educators;

"(D) parents;

"(E) members of local boards of education;

"(F) representatives of private school children; and

"(G) pupil services personnel.

"(3) DUTIES.—The duties of such committee shall include a review, prior to publication, of any proposed or final State rule or regulation pursuant to this title. In an emergency situation where such rule or regulation must be issued within a very limited time to assist local educational agencies with the operation of the program under this title, the State educational agency may issue a regulation without prior consultation, but shall immediately thereafter convene the State committee of practitioners to review the emergency regulation prior to issuance in final form.

"(c) PAYMENT FOR STATE ADMINISTRATION.—Each State may reserve for the proper and efficient performance of its duties under this title the greater of—

"(1) 1.00 percent of the funds received under subsections (a), (c), and (d) of section 1002; or

"(2) $400,000, or $50,000 in the case of the outlying areas.

"SEC. 1604. CONSTRUCTION.

"(a) PROHIBITION OF FEDERAL MANDATES, DIRECTION OR CONTROL.—Nothing in this title shall be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control a State, local educational agency, or school's specific instructional content or pupil performance standards and assessments, curriculum, or program of instruction as a condition of eligibility to receive funds under this title.

"(b) EQUALIZED SPENDING.—Nothing in this title shall be construed to mandate equalized spending per pupil for a State, local educational agency, or school.

"(c) BUILDING STANDARDS.—Nothing in this title shall be construed to mandate national school building standards for a State, local educational agency, or school.

"TITLE II—DWIGHT D. EISENHOWER PROFESSIONAL DEVELOPMENT PROGRAM

"SEC. 2001. FINDINGS.

"The Congress finds as follows:

"(1) Reaching the National Education Goals, particularly the third, fourth, and fifth National Education Goals, requires a comprehensive educational reform strategy that involves parents, schools, government, communities, and other public and private organizations at all levels.

"(2) A crucial component of the strategy for achieving such goals is ensuring, through sustained and intensive high-quality professional development, that all teachers will provide challenging learning experiences in the core academic subjects for their students.

"(3) Decisionmaking as to what activities a State or local educational agency should undertake to improve teaching and learning are best made by individuals in the schools closest to the classroom and most knowledgeable about the needs of schools and students.

"(4) The potential positive impact of high-quality professional development is underscored by recent research findings that—

"(A) professional development must be focused on teaching and learning in order to improve the opportunities of all students to achieve higher standards;

"(B) effective professional development focuses on discipline-based knowledge and effective subject-specific pedagogical skills, involves teams of teachers, and, where appropriate, administrators and pupil services personnel, in a school and, through professional networks of teachers, and, where appropriate, teacher educators, administrators, pupil services personnel, and parents, is interactive and collaborative, motivates by its intrinsic content and relationship to practice, builds on experience and learning-by-doing, and becomes incorporated into the everyday life of the school;

"(C) professional development can dramatically improve classroom instruction and learning when teachers, and, where appropriate, administrators, pupil services personnel, and parents, are partners in the development and implementation of such professional development; and

"(D) new and innovative strategies for teaching to high standards will require time for teachers, outside of the time spent teaching, for instruction, practice, and collegial collaboration.

"(5) Special attention must be given in professional development activities to ensure that education professionals are knowledgeable of, and make use of, strategies for serving populations that historically have lacked access to equal opportunities for advanced learning and career advancement.

"(6) Professional development is often a victim of budget reductions in fiscally difficult times.

"(7) The Federal Government has a vital role in helping States and local educational agencies to make sustained and intensive high-quality professional development in the core academic subjects become an integral part of the elementary and secondary education system.

"(8) Professional development activities must prepare teachers, pupil services personnel, paraprofessionals and other staff in the collaborative skills needed to appropriately teach children with disabilities, in the core academic subjects.

"(9) Parental involvement is an important aspect of school reform and improvement. There is a need for special attention to ensure the effective involvement of parents in the education of their children. Professional development should include methods and strategies to better prepare teachers and, where appropriate, administrators, to enable parents to participate fully and effectively in their children's education.

"SEC. 2002. PURPOSES.

"The purposes of this title are to provide assistance to State and local educational agencies and to institutions of higher education with teacher education programs so that such agencies and institutions can determine how best to improve the teaching and learning of all students by—

"(1) helping to ensure that teachers, and, where appropriate, other staff and administrators, have access to sustained and intensive high-quality professional development that is aligned to challenging State content standards and challenging State student performance standards, and to support the development and implementation of sustained and intensive high-quality professional development activities in the core academic subjects; and

"(2) helping to ensure that teachers, and, where appropriate, administrators, other staff, pupil services personnel, and parents, have access to professional development that—

"(A) is tied to challenging State content standards and challenging State student performance standards;

"(B) reflects recent research on teaching and learning;

"(C) includes strong academic content and pedagogical components;

"(D) incorporates effective strategies, techniques, methods, and practices for meeting the educational needs of diverse student populations, including females, minorities, individuals with disabilities, limited English proficient individuals, and economically disadvantaged individuals, in order to ensure that all students have the opportunity to achieve challenging State student performance standards;

"(E) is of sufficient intensity and duration to have a positive and lasting impact on the teacher's performance in the classroom; and

"(F) is part of the everyday life of the school and creates an orientation toward continuous improvement throughout the school.

"SEC. 2003. AUTHORIZATION OF APPROPRIATIONS; ALLOCATION BETWEEN PARTS.

"(a) Authorization of Appropriations.—For the purpose of carrying out this title, there are authorized to be appropriated $800,000,000 for fiscal year 1995 and such sums as may be necessary for each of the four succeeding fiscal years.

"(b) Allocation Between Parts.—Of the amounts appropriated to carry out this title for any fiscal year, the Secretary shall make available—

"(1) 5 percent of such amounts to carry out subpart 1, of which 5 percent of such 5 percent shall be available to carry out section 2103;

"(2) 94 percent of such amounts to carry out part B; and

"(3) 1 percent of such amounts to carry out part C except that such 1 percent shall not exceed $3,200,000 in any fiscal year.

"PART A—FEDERAL ACTIVITIES

"SEC. 2101. PROGRAM AUTHORIZED.

"(a) In General.—The Secretary is authorized to make grants to, and enter into contracts and cooperative agreements with, local educational agencies, educational service agencies, State educational agencies, State agencies for higher education, institutions of higher education, and other public and private agencies, organizations, and institutions to—

"(1) support activities of national significance that the Secretary determines will contribute to the development and implementation of high-quality professional development activities in the core academic subjects; and

"(2) evaluate activities carried out under this part and parts B and C, in accordance with section 14701.

"(b) Requirements.—In carrying out the activities described in subsection (a), the Secretary shall coordinate professional development programs within the Department, particularly with those programs within the Office of Educational Research and Improvement and the Office of Special Education and Rehabilitative Services, and shall consult and coordinate with the National Science Foundation, the National Endowment for the Humanities, the National Endowment for the Arts, the Institute of Museum Services, and other appropriate Federal agencies and entities.

"SEC. 2102. AUTHORIZED ACTIVITIES.

"(a) ACTIVITIES.—The Secretary shall use funds available to carry out this part for—

"(1) providing seed money to the entities described in section 2101(a) to develop the capacity of such entities to offer sustained and intensive high-quality professional development;

"(2) awarding a grant or contract, in consultation with the Director of the National Science Foundation, to establish an Eisenhower National Clearinghouse for Mathematics and Science Education (hereafter in this section referred to as the 'Clearinghouse'); and

"(3) evaluating programs assisted under this part and parts B and C, in accordance with section 14701.

"(b) CLEARINGHOUSE.—

"(1) APPLICATION AND AWARD BASIS.—Each entity desiring to establish and operate the Clearinghouse authorized by subsection (a)(2) shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require. The grant or contract awarded pursuant to subsection (a)(2) shall be made on a competitive, merit basis.

"(2) DURATION.—The grant or contract awarded under subsection (a)(2) shall be awarded for a period of five years and shall be reviewed by the Secretary not later than 30 months from the date the grant or contract is awarded.

"(3) USE OF FUNDS.—The grant or contract awarded under subsection (a)(2) shall be used to—

"(A) maintain a permanent repository of mathematics and science education instructional materials and programs for elementary and secondary schools, including middle schools (including, to the extent practicable, all materials and programs developed with Federal and non-Federal funds, such as instructional materials developed by the Department, materials developed by State and national mathematics and science programs assisted under this part, and other instructional materials) for use by the regional consortia established under part C of title XIII and by the general public;

"(B) compile information on all mathematics and science education programs administered by each Federal agency or department;

"(C) disseminate information, programs, and instructional materials to the public, dissemination networks, and the regional consortia established under part C of title XIII;

"(D) coordinate with identifiable and existing data bases containing mathematics and science curriculum and instructional materials, including Federal, non-Federal, and, where feasible, international, data bases;

"(E) participate in collaborative meetings of representatives of the Clearinghouse and the regional consortia established under part C of title XIII to discuss issues of common interest and concern, to foster effective collaboration and cooperation in acquiring and distributing curriculum

materials and programs, and to coordinate computer network access to the Clearinghouse and the resources of the regional consortia, except that not more than 3 percent of the funds awarded under subsection (a)(2) shall be used to carry out this subparagraph; and

"(F) gather qualitative and evaluative data on submissions to the Clearinghouse.

"(4) SUBMISSION TO CLEARINGHOUSE.—Each Federal agency or department which develops mathematics or science education instructional material or programs, including the National Science Foundation and the Department, shall submit to the Clearinghouse copies of such material or programs.

"(5) PEER REVIEW.—The Secretary shall establish a peer review process to select the recipient of the award under subsection (a)(2).

"(6) STEERING COMMITTEE.—The Secretary may appoint a steering committee to recommend policies and activities for the Clearinghouse.

"(7) APPLICATION OF COPYRIGHT LAWS.—Nothing in this subsection shall be construed to allow the use or copying, in any media, of any material collected by the Clearinghouse that is protected under the copyright laws of the United States unless the permission of the owner of the copyright is obtained. The Clearinghouse, in carrying out the provisions of this subsection, shall ensure compliance with title 17, United States Code.

"(8) DISSEMINATION OF INFORMATION.—The Secretary shall disseminate information concerning the grant or contract awarded under this section to State and local educational agencies and institutions of higher education. Such dissemination of information shall include examples of exemplary national programs in mathematics and science instruction and necessary technical assistance for the establishment of similar programs.

"(c) USES OF FUNDS.—The Secretary may use funds available to carry out this part for—

"(1) the development and maintenance of national clearinghouses for core academic subjects as the Secretary determines are needed and which shall be administered as adjunct clearinghouses of the Educational Resources Information Center Clearinghouses system of clearinghouses supported by the Office of Educational Research and Improvement;

"(2) professional development institutes that provide teachers or teams of teachers, and, where appropriate, administrators, pupil services personnel and other staff, from individual schools, with professional development that contains strong and integrated disciplinary and pedagogical components;

"(3) encouraging the development of local and national professional networks, such as the Teacher Research Dissemination Demonstration Program under section 941(j) of the Educational Research, Development, Dissemination, and Improvement Act of 1994, that provide a forum for interaction among teachers of the core academic subjects and that allow the exchange of information on advances in content and pedagogy;

"(4) efforts to train teachers in the innovative uses and applications of technology to enhance student learning;

"(5) the development and dissemination of model teaching standards in the core academic subjects;

"(6) disseminating standards in the core academic subjects, including information on voluntary national content standards and voluntary national student performance standards and related models of high-quality professional development;

"(7) the dissemination of information about voluntary national content standards, State content standards, voluntary national student performance standards and State student performance standards, and related models of high-quality professional development;

"(8) efforts to train teachers in innovative instructional methodologies designed to meet the diverse learning needs of individual students, including methodologies which integrate academic and vocational learning and applied learning, interactive, interdisciplinary team teaching, and other alternative teaching strategies, such as service learning, experiential learning, career-related education, and environmental education, that integrate real world applications into the core academic subjects;

"(9) disseminating models of high-quality professional development activities that train educators in strategies, techniques, methods, and practices for meeting the educational needs of historically underserved populations, including females, minorities, individuals with disabilities, limited English proficient individuals, and economically disadvantaged individuals, in order to ensure that all students have the opportunity to achieve challenging State student performance standards;

"(10) promoting the transferability of licensure and certification of teachers and administrators among State and local jurisdictions;

"(11) supporting the National Board for Professional Teaching Standards;

"(12) developing activities to prepare teachers, and, where appropriate, paraprofessionals, pupil services personnel, and other staff in the collaborative skills needed to appropriately teach children with disabilities in the core academic subjects;

"(13) encouraging the development of innovative models for recruitment, induction, retention, and assessment of new, highly qualified teachers, especially such teachers from historically underrepresented groups; and

"(14) joint activities with other Federal agencies and entities engaged in or supporting similar professional development efforts.

"SEC. 2103. NATIONAL TEACHER TRAINING PROJECT.

"(a) SHORT TITLE; FINDINGS; DEFINITIONS.—

"(1) SHORT TITLE.—This section may be cited as the 'National Teacher Training Project Act of 1994'.

"(2) FINDINGS.—The Congress finds that—

"(A) teachers must be major players in educational reform in the United States;

"(B) teachers are isolated from their peers and have virtually no time during the school day to consult with other teachers;

"(C) there is a shortage of sustained, year-round professional development programs for teachers;

"(D) successful teaching methods are not adequately shared among teachers;

"(E) teachers are the best teachers of other teachers because practicing classroom teachers have experience that no outside consultant can match;

"(F) it is important for universities and schools to collaborate on teacher development programs if teaching and learning are to be improved;

"(G) pertinent research is not shared among teachers in a professional setting;

"(H) exemplary teachers should be recognized for their abilities and contributions and encouraged to refine their teaching methods;

"(I) each State should support a nationally based teacher training program, that is modeled after the National Writing Project, for teachers of early childhood education, and for teachers of core academic subjects including teachers of mathematics, science, English, civics and government, foreign languages, and arts;

"(J) the National Writing Project is a nationally recognized and honored nonprofit organization that recognizes there are teachers in every region of the United States who have developed successful methods for teaching writing and that such teachers can be trained and encouraged to train other teachers;

"(K) the National Writing Project is a collaborative university-school program which offers summer and school year inservice teacher training programs and a dissemination network to inform and teach teachers regarding developments in the field of writing;

"(L) each year, over 125,000 teachers voluntarily seek training in National Writing Project intensive summer institutes and workshops and school year inservice programs through one of the 155 sites located within the United States, and in 18 sites located outside of the United States;

"(M) in the 20 years of its existence, over 1,100,000 teachers, administrators, and parents have participated in National Writing Project programs;

"(N) less than $16 per teacher was the average cost in Federal dollars for all teacher training at writing projects in academic year 1991–1992;

"(O) for every dollar in Federal support, the National Writing Project provides over $5 in matching funds from States, local universities and schools, and the private sector;

"(P) private foundation resources, although generous in the past concerning National Writing Project programs, are inadequate to fund all of the National Teacher Training Project sites needed, and the future of the program is in jeopardy without secure financial support;

"(Q) the National Writing Project has become a model for programs in other fields, such as science, mathematics,

history, literature, foreign languages, and the performing arts, and the development of programs in other fields should continue with the support of Federal funds; and

"(R) each of the 50 States should participate in the National Teacher Training Project by establishing regional teacher training sites in early childhood development, mathematics, science, English, civics and government, foreign languages, and arts to serve all teachers within the State.

"(3) DEFINITIONS.—For the purpose of this section—

"(A) the term 'contractor' means—

"(i) a local educational agency;

"(ii) an educational service agency; or

"(iii) an institution of higher education that awards a bachelor's degree; and

"(B) the term 'eligible recipient' means a nonprofit educational organization which has as its primary purpose the improvement of student learning in one of the core academic subjects described in subsection (b)(2).

"(b) GRANTS AUTHORIZED.—

"(1) GRANTS TO ELIGIBLE RECIPIENTS.—The Secretary is authorized to award a grant to an eligible recipient to enable such recipient—

"(A) to support and promote the establishment of teacher training programs in early childhood development and one of the nine core subject areas described in paragraph (2), including the dissemination of effective practices and research findings regarding teacher training, and administrative activities;

"(B) to support classroom research on effective teaching practices in such area; and

"(C) to pay the Federal share of the cost of such programs and research.

"(2) CORE SUBJECT AREAS.—To the extent feasible, the Secretary shall award a grant under paragraph (1) for the establishment of a National Teacher Training Project in early childhood development and each of the following core subject areas:

"(A) Mathematics.

"(B) Science.

"(C) English.

"(D) Civics and government.

"(E) Foreign languages.

"(F) Arts.

"(G) Geography.

"(H) History.

"(I) Economics.

"(3) NUMBER OF GRANTS AND ELIGIBLE RECIPIENTS.—The Secretary shall award not more than ten grants under paragraph (1) to ten different eligible recipients.

"(4) EQUITABLE DISTRIBUTION.—The Secretary shall award grants under paragraph (1) to eligible recipients from different geographic areas of the United States.

"(5) SPECIAL RULE.—Each grant under paragraph (1) shall be of sufficient size, scope, and quality to be effective.

"(6) ADMINISTRATIVE COSTS AND TECHNICAL ASSISTANCE.—Each eligible recipient receiving a grant under paragraph (1) may use not more than a total of 5 percent of the grant funds for administrative costs and the costs of providing technical assistance to a contractor.

"(c) GRANT REQUIREMENTS.—Each eligible recipient receiving a grant under subsection (b) shall—

"(1) enter into a contract with a contractor under which such contractor agrees—

"(A) to establish, operate, and provide the non-Federal share of the cost of teacher training programs in effective approaches and processes for the teaching of the core academic subjects for which such eligible recipient was awarded a grant, including approaches and processes to obtain parental involvement in a child's education; and

"(B) to use funds received from the eligible recipient to pay the Federal share of the cost of establishing and operating teacher training programs described in subparagraph (A);

"(2) to submit annual reports to the Secretary and be responsible for oversight of the funds expended at each teacher training program described in subparagraph (A); and

"(3) meet such other conditions and standards as the Secretary determines to be necessary to ensure compliance with this section and provide such technical assistance as may be necessary to carry out this section.

"(d) TEACHER TRAINING PROGRAMS.—The teacher training programs described in subsection (b) shall—

"(1) be conducted during the school year and during the summer months;

"(2) train teachers who teach grades kindergarten through college;

"(3) select teachers to become members of a National Teacher Training Project, which members shall conduct inservice workshops for other teachers in the area subject matter served by the National Teacher Training Project site;

"(4) use teacher training principles and receive technical assistance from the National Writing Project; and

"(5) encourage teachers from all disciplines to participate in such teacher training programs.

"(e) FEDERAL SHARE.—The term 'Federal share' means, with respect to the costs of teacher training programs described in subsection (b), 50 percent of such costs to the contractor.

"(f) APPLICATION.—Each eligible recipient desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"(g) PARTICIPANTS AND SELECTION PROCESS.—The selection process for participation in a teacher training program described in subsection (b) shall—

"(1) reward exemplary teachers with varying levels of teaching experience who are nominated by other teachers and administrators;

"(2) involve an application process to select participants for a summer program;

"(3) ensure the selection of a geographically and ethnically diverse group of teachers by soliciting applications from teachers of both public and private institutions in rural, urban, and suburban settings in each State; and

"(4) automatically offer a place in a summer program to the 'Teacher of the Year' chosen pursuant to a Federal or State teacher recognition program.

"(h) LIMITATION.—A contractor entering into a contract under subsection (c)(1) shall not spend more than 5 percent of funds received under the contract for administrative costs.

"PART B—STATE AND LOCAL ACTIVITIES

"SEC. 2201. PROGRAM AUTHORIZED.

"The Secretary is authorized to make grants to State educational agencies for the improvement of teaching and learning through sustained and intensive high-quality professional development activities in the core academic subjects at the State and local levels.

"SEC. 2202. ALLOCATION OF FUNDS.

"(a) RESERVATION OF FUNDS.—From the amount available to carry out this part for any fiscal year, the Secretary shall reserve—

"(1) ½ of 1 percent for the outlying areas, to be distributed among the outlying areas on the basis of their relative need, as determined by the Secretary in accordance with the purposes of this part; and

"(2) ½ of 1 percent for the Secretary of the Interior for programs under this part for professional development activities for teachers, other staff, and administrators in schools operated or funded by the Bureau of Indian Affairs.

"(b) STATE ALLOCATIONS.—The Secretary shall allocate the amount available to carry out this part and not reserved under subsection (a) to each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico as follows, except that no State shall receive less than ½ of 1 percent of such amount:

"(1) Fifty percent shall be allocated among such jurisdictions on the basis of their relative populations of individuals aged five through 17, as determined by the Secretary on the basis of the most recent satisfactory data.

"(2) Fifty percent shall be allocated among such jurisdictions in accordance with the relative amounts such jurisdictions received under part A of title I for the preceding fiscal year, or for fiscal year 1995 only, such part's predecessor authority.

"(c) REALLOCATION.—If any jurisdiction does not apply for an allotment under subsection (b) for any fiscal year, the Secretary shall reallocate such amount to the remaining jurisdictions in accordance with such subsection.

"SEC. 2203. WITHIN-STATE ALLOCATIONS.

"Of the amounts received by a State under this part for any fiscal year—

"(1) 84 percent shall be available for local allowable activities under section 2210(b), of which—

"(A) not more than 5 percent may be used for the administrative costs of the State educational agency and for State-level activities described in section 2207; and

"(B) of the remaining amount—

"(i) 50 percent shall be distributed to local educational agencies—

"(I) for use in accordance with section 2210; and

"(II) in accordance with the relative enrollments in public and private nonprofit elementary and secondary schools within the boundaries of such agencies; and

"(ii) 50 percent of such amount shall be distributed to local educational agencies—

"(I) for use in accordance with section 2210; and

"(II) in accordance with the relative amount such agencies received under part A of title I or for fiscal year 1995 for the preceding fiscal year, such part's predecessor authority; and

"(2) 16 percent shall be available to the State agency for higher education for activities under section 2211, of which not more than 5 percent may be used for the administrative costs of the State agency for higher education.

"SEC. 2204. CONSORTIUM REQUIREMENT.

"(a) IN GENERAL.—A local educational agency receiving a grant under this part of less than $10,000 shall form a consortium with another local educational agency or an educational service agency serving another local educational agency to be eligible to participate in programs assisted under this part.

"(b) WAIVER.—The State educational agency may waive the application of paragraph (1) in the case of any local educational agency that demonstrates that the amount of its allocation under this part is sufficient to provide a program of sufficient size, scope, and quality to be effective. In granting waivers under the preceding sentence, the State educational agency shall—

"(1) give special consideration to local educational agencies serving rural areas if distances or traveling time between schools make formation of the consortium more costly or less effective; and

"(2) consider cash or in-kind contributions provided from State or local sources that may be combined with the local educational agency's allocation for the purpose of providing services under this part.

"(c) SPECIAL RULE.—Each consortium shall rely, as much as possible, on technology or other arrangements to provide staff development programs tailored to the needs of each school or school district participating in a consortium described in subsection (a).

"SEC. 2205. STATE APPLICATIONS.

"(a) APPLICATIONS REQUIRED.—Each State educational agency that wishes to receive an allotment under this part for any fiscal

year shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary may require.

"(b) STATE PLAN TO IMPROVE TEACHING AND LEARNING.—

"(1) IN GENERAL.—Each application under this section shall include a State plan that is coordinated with the State's plan under other programs assisted under this Act, the Goals 2000: Educate America Act, and other Acts, as appropriate, consistent with the provisions of section 14306.

"(2) CONTENTS.—Each such State plan shall—

"(A) be developed in conjunction with the State agency for higher education, community-based and other nonprofit organizations of demonstrated effectiveness, institutions of higher education or schools of education, and with the extensive participation of local teachers, administrators and pupil services personnel and show the role of each such entity in implementation of the plan;

"(B) be designed to give teachers, and, where appropriate, administrators and pupil services personnel in the State, the knowledge and skills necessary to provide all students the opportunity to meet challenging State content standards and challenging State student performance standards;

"(C) include an assessment of State and local needs for professional development specifically related to subparagraph (B);

"(D) include a description of how the plan has assessed the needs of local educational agencies serving rural and urban areas, and what actions are planned to meet such needs;

"(E) include a description of how the activities assisted under this part will address the needs of teachers in schools receiving assistance under part A of title I;

"(F) a description of how programs in all core academic subjects, but especially in mathematics and science, will take into account the need for greater access to, and participation in, such disciplines by students from historically underrepresented groups, including females, minorities, individuals with limited English proficiency, the economically disadvantaged, and individuals with disabilities, by incorporating pedagogical strategies and techniques which meet such individuals' educational needs;

"(G) be consistent with the State's needs assessment under subparagraph (C), and describe how the State will work with teachers, including teachers in schools receiving assistance under part A of title I, administrators, parents, local educational agencies, schools, educational service agencies, institutions of higher education, and nonprofit organizations of demonstrated effectiveness, to ensure that such individuals develop the capacity to support sustained and intensive, high-quality professional development programs in the core academic subjects;

"(H) describe how the State requirements for licensure of teachers and administrators, including certification and

recertification, support challenging State content standards and challenging State student performance standards and whether such requirements are aligned with such standards;

"(I) address the need for improving teaching and learning through teacher development beginning with recruitment, preservice, and induction, and continuing throughout the professional teaching career, taking into account the need, as determined by the State, for greater access to and participation in the teaching profession by individuals from historically underrepresented groups;

"(J) describe how the State will prepare all teachers to teach children with diverse learning needs, including children with disabilities;

"(K) describe how the State will prepare teachers, and, where appropriate, paraprofessionals, pupil services personnel, and other staff in the collaborative skills needed to appropriately teach children with disabilities, in the core academic subjects;

"(L) describe how the State will use technology, including the emerging national information infrastructure, to enhance the professional development of teachers, and, where appropriate, administrators and pupil services personnel;

"(M) describe how the State will provide incentives to teachers and administrators to focus their professional development on preparing such teachers and administrators to provide instruction consistent with challenging State content standards and challenging State student performance standards;

"(N) set specific performance indicators for professional development; and

"(O) describe how parents can be involved in professional development programs to enhance the participation of parents in the education of their children.

"(3) DURATION OF THE PLAN.—Each such State plan shall—

"(A) remain in effect for the duration of the State's participation under this part; and

"(B) be periodically reviewed and revised by the State, as necessary, to reflect changes in the State's strategies and programs under this part.

"(c) ADDITIONAL MATERIAL.—Each State application shall include—

"(1) a description of how the activities assisted under this part will be coordinated, as appropriate, with—

"(A) other activities conducted with Federal funds, especially activities supported under part A of title I of this Act and the Individuals with Disabilities Education Act;

"(B) programs supported by State and local funds;

"(C) resources from business and industry, museums, libraries, educational television stations, and public and private nonprofit organizations of demonstrated experience; and

"(D) funds received from other Federal agencies, such as the National Science Foundation, the Departments of

Commerce, Energy, and Health and Human Services, the National Endowment for the Arts, the Institute of Museum Services, and the National Endowment for the Humanities; and

"(2) a description of the activities to be sponsored under the State-level activities under section 2207 and the higher education activities under section 2211.

"(d) PEER REVIEW AND SECRETARIAL APPROVAL.—

"(1) IN GENERAL.—The Secretary shall approve an application of a State educational agency under this section if such application meets the requirements of this section and holds reasonable promise of achieving the purposes of this part.

"(2) REVIEW.—In reviewing applications under this section, the Secretary shall obtain the advice of non-Federal experts on education in the core academic subjects and on teacher education, including teachers and administrators.

"SEC. 2206. PRIORITY FOR PROFESSIONAL DEVELOPMENT IN MATHEMATICS AND SCIENCE.

"(a) APPROPRIATION OF LESS THAN $250,000,000.—In any fiscal year for which the amount appropriated for this title is less than $250,000,000, each State shall ensure that all funds distributed in accordance with section 2203(1)(C) are used for professional development in mathematics and science.

"(b) APPROPRIATION EQUAL TO OR ABOVE $250,000,000.—In any fiscal year for which the amount appropriated for this title is equal to or exceeds $250,000,000, each State and local educational agency shall use for professional development activities in mathematics and science the amount of funds that would have been made available to each such agency in accordance with sections 2202 and 2203 if the amount appropriated was $250,000,000, consistent with subsection (a), and are permitted and encouraged to use the amount of funds in excess of $250,000,000 that is made available in accordance with sections 2202 and 2203 for professional development activities in mathematics and science.

"SEC. 2207. STATE LEVEL ACTIVITIES.

"Each State may use funds made available under section 2203(1)(A) to carry out activities described in the plan under section 2205(b), such as—

"(1) reviewing and reforming State requirements for teacher and administrator licensure, including certification and recertification, to align such requirements with the State's challenging State content standards and ensure that teachers and administrators have the knowledge and skills necessary to help students meet challenging State student performance standards;

"(2) developing performance assessments and peer review procedures, as well as other methods, for licensing teachers and administrators;

"(3) providing technical assistance to schools and local educational agencies, especially schools and local educational agencies that receive assistance under part A of title I, to help such schools and agencies provide effective professional development in the core academic subjects;

"(4) developing or supporting professional development networks, either within a State or in a regional consortium of States, that provide a forum for interaction among teachers and that allow exchange of information on advances in content and pedagogy;

"(5) supporting partnerships between schools, consortia of schools, or local educational agencies and institutions of higher education, including schools of education, which encourage—

"(A) teachers to participate in intensive, ongoing professional development programs, both academic and pedagogical, at institutions of higher education; and

"(B) students at institutions of higher education studying to become teachers to have direct, practical experience at the schools;

"(6) providing professional development in the effective use of educational technology as an instructional tool for increasing student understanding of the core academic subjects, including efforts to train teachers in methods of achieving gender equity both in students' access to computers and other educational technology and in teaching practices used in the application of educational technology;

"(7) providing incentives for teachers to be involved in assessment, curriculum development, and technical assistance processes for teachers and students;

"(8) providing professional development to enable teachers, and, where appropriate, pupil services personnel, and other school staff, to ensure that girls and young women, minorities, limited English proficient students, individuals with disabilities, and economically disadvantaged students have the full opportunity to achieve to challenging State content standards and challenging State student performance standards in the core academic subjects by, for example, encouraging girls and young women and minorities to pursue advanced courses in mathematics and science;

"(9) professional development and recruitment activities designed to increase the numbers of minorities, individuals with disabilities, and women teaching in the core academic subjects in which such individuals are underrepresented;

"(10) providing financial or other incentives for teachers to become certified by nationally recognized professional teacher enhancement organizations;

"(11) providing professional development activities which prepare teachers, and where appropriate, pupil services personnel, paraprofessionals, and other staff in the collaborative skills needed to appropriately teach children with disabilities, in the core academic subjects;

"(12) identifying, developing, or supporting professional development strategies to better equip parents to assist their children in raising their children's achievement in the core academic subjects;

"(13) professional development activities designed to increase the number of women and other underrepresented groups in the administration of schools;

"SEC. 2208. LOCAL PLAN AND APPLICATION FOR IMPROVING TEACHING AND LEARNING.

"(a) LOCAL APPLICATION.—

"(1) IN GENERAL.—Each local educational agency that wishes to receive a subgrant under this part shall submit an application (singly or as a consortium as described in section 2204) to the State educational agency at such time as the State educational agency shall require, but not less frequently than every three years, that is coordinated with other programs under this Act, the Goals 2000: Educate America Act, or other Acts, as appropriate, consistent with the provisions of section 14306.

"(2) INDICATORS.—A local educational agency shall set specific performance indicators for improving teaching and learning through professional development.

"(b) NEEDS ASSESSMENT.—

"(1) IN GENERAL.—A local educational agency that wishes to receive a subgrant under this part shall include in its application an assessment of local needs for professional development as identified by the local educational agency and school staff.

"(2) REQUIREMENTS.—Such needs assessment shall be carried out with the involvement of teachers, including teachers in schools receiving assistance under part A of title I, and shall take into account what activities need to be conducted in order to give teachers and, where appropriate, administrators, the means, including the knowledge and skills, to provide students with the opportunity to meet challenging State or local student performance standards.

"(c) APPLICATION CONTENTS.—Each application under this section shall include the local educational agency's plan for professional development that—

"(1) focuses on teaching and learning in the core academic subjects; and

"(2) has been developed with the extensive participation of administrators, staff, and pupil services personnel, which teachers shall also be representative of the grade spans within schools to be served and of schools which receive assistance under part A of title I.

"(d) PLAN CONTENTS.—

"(1) IN GENERAL.—Based on the needs assessment required under subsection (b), the local educational agency's plan shall—

"(A) include a description of how the plan contributes to the local educational agency's overall efforts for school reform and educational improvement;

"(B) include a description of how the activities funded under this section will address the needs of teachers in schools receiving assistance under part A of title I;

"(C) be aligned with the State's challenging State content standards and challenging State student performance standards;

"(D) describe a strategy, tied to challenging State content standards and challenging State student performance

standards, consistent with the needs assessment under subsection (b);

"(E) be of sufficient intensity and duration to have a positive and lasting impact on the student's performance in the classroom;

"(F) describe how programs in all core academic subjects, but especially in mathematics and science, will take into account the need for greater access to, and participation in, such disciplines by students from historically underrepresented groups, including girls and women, minorities, individuals with limited English proficiency, the economically disadvantaged, and individuals with disabilities, by incorporating pedagogical strategies and techniques which meet such individuals' educational need;

"(G) contain an assurance that the activities conducted with funds received under this part will be assessed at least every three years using the performance indicators;

"(H) describe how the program funded under this part will be coordinated, as appropriate, with—

"(i) activities conducted under section 2131 and other services of institutions of higher education;

"(ii) similar State and local activities;

"(iii) resources provided under part A of title I and other provisions of this Act;

"(iv) resources from business, industry, public and private nonprofit organizations (including museums, libraries, educational television stations, community-based organizations, professional organizations and associations specializing in, or with a demonstrated expertise in the core academic subjects);

"(v) funds or programming from other Federal agencies, such as the National Science Foundation, the Department of Energy, the Department of Health and Human Services, the Institute of Museum Services, the National Endowment for the Humanities, and the National Endowment for the Arts;

"(vi) services of educational service agencies; and

"(vii) resources provided under the Individuals with Disabilities Education Act;

"(I) identify the sources of funding that will provide the local educational agency's contribution under section 2209; and

"(J) describe the professional development strategies to be employed to more fully and effectively involve parents in the education of their children.

"(2) DURATION OF THE PLAN.—Each local plan described in subsection (b)(1) shall—

"(A) remain in effect for the duration of the local educational agency's participation under this part; and

"(B) be periodically reviewed and revised by the local educational agency, as necessary, to reflect changes in the local educational agency's strategies and programs under this part.

"SEC. 2209. LOCAL COST-SHARING.

"(a) IN GENERAL.—Each local educational agency shall provide not less than 33 percent of the cost of the activities assisted under this part, excluding the cost of services provided to private school teachers.

"(b) AVAILABLE RESOURCES FOR COST-SHARING.—

"(1) IN GENERAL.—A local educational agency may meet the requirement of subsection (a) through one or more of the following:

"(A) Cash expenditures from non-Federal sources, including private contributions, directed toward professional development activities.

"(B) Release time for teachers participating in professional development assisted under this part.

"(C) Funds received under one or more of the following programs, so long as such funds are used for professional development activities consistent with this part and the statutes under which such funds were received, and are used to benefit students and teachers in schools that otherwise would have been served with such funds:

"(i) helping disadvantaged children meet high standards under part A of title I.

"(ii) The Safe and Drug-Free Schools and Communities program under title IV.

"(iii) Bilingual Education Programs under part A of title VII.

"(iv) Programs under the Women's Educational Equity Act of 1994.

"(v) Programs under title III of the Goals 2000: Educate America Act.

"(vi) Programs that are related to the purposes of this Act that are administered by other Federal agencies, including the National Science Foundation, the National Endowment for the Humanities, the National Endowment for the Arts, the Institute of Museum Services, and the Department of Energy.

"(vii) Programs under the Individuals with Disabilities Education Act.

"(2) SPECIAL RULE.—A local educational agency may meet the requirement of subsection (a) through contributions described in paragraph (1) that are provided in cash or in kind, fairly evaluated.

"(c) WAIVER.—The State educational agency may approve an application which has not fully met the requirements of subsection (a) and waive the requirements of subsection (a) if a local educational agency can demonstrate that such agency is unable to meet the requirements of subsection (a) due to economic hardship and that compliance with such requirements would preclude such agency's participation in the program.

"SEC. 2210. LOCAL ALLOCATION OF FUNDS AND ALLOWABLE ACTIVITIES.

"(a) LOCAL ALLOCATION OF FUNDS.—Each local educational agency that receives funds under this part for any fiscal year—

"(1) shall use not less than 80 percent of such funds for professional development of teachers, and, where appropriate, administrators, and, where appropriate, pupil services personnel, parents, and other staff of individual schools in a manner that—

"(A) is determined by such teachers and staff;

"(B) to the extent practicable, takes place at the individual school site; and

"(C) is consistent with the local educational agency's application under section 2208, any school plan under part A of title I, and any other plan for professional development carried out with Federal, State, or local funds that emphasizes sustained, ongoing activities; and

"(2) may use not more than 20 percent of such funds for school district-level professional development activities, including, where appropriate, the participation of administrators, policymakers, and parents, if such activities directly support instructional personnel.

"(b) AUTHORIZED ACTIVITIES.—

"(1) IN GENERAL.—Each local educational agency and school that receives funds under this part shall use such funds for activities that give teachers and administrators the knowledge and skills to provide students with the opportunity to meet challenging State or local content standards and student performance standards.

"(2) PROFESSIONAL DEVELOPMENT ACTIVITIES.—Professional development activities funded under this part shall—

"(A) be tied to challenging State content standards or challenging local content standards, and challenging State student performance standards or challenging local student performance standards;

"(B) take into account recent research on teaching and learning;

"(C) provide professional development which incorporates effective strategies, techniques, methods, and practices for meeting the educational needs of diverse groups of students, including girls and women, minorities, individuals with disabilities, limited English proficient individuals, and economically disadvantaged individuals;

"(D) include strong academic content and pedagogical components; and

"(E) be of sufficient intensity and duration to have a positive and lasting impact on the teacher's performance in the classroom.

"(3) ACTIVITIES.—Funds under this part may be used for professional development activities such as—

"(A) professional development for teams of teachers, and, where appropriate, administrators, pupil services personnel, or other staff from individual schools, to support teaching consistent with challenging State content standards and challenging State student performance standards;

"(B) support and time, which in the case of teachers may include release time with pay, for teachers, and, where appropriate, pupil services personnel and other school staff

to enable such teachers, personnel, and staff to participate in professional development in the core academic subjects that are offered through professional associations, universities, community-based organizations, and other providers, such as educational partnership organizations, science centers, and museums;

"(C) activities that provide followup for teachers who have participated in professional development activities that are designed to ensure that the knowledge and skills learned by the teacher are implemented in the classroom;

"(D) support for partnerships between schools, consortia of schools, or local educational agencies, and institutions of higher education, including schools of education, which partnerships shall encourage—

"(i) teachers to participate in intensive, ongoing professional development programs, both academic and pedagogical, at institutions of higher education; and

"(ii) students at institutions of higher education studying to become teachers to have direct, practical experience at schools;

"(E) the establishment and maintenance of local professional networks that provide a forum for interaction among teachers and that allow exchange of information on advances in content and pedagogy;

"(F) preparing teachers in the effective use of educational technology and assistive technology as instructional tools for increasing student understanding of the core academic subjects;

"(G) professional development to enable teachers, and, where appropriate, pupil services personnel and other school staff, to ensure that girls and young women, minorities, limited English proficient students, individuals with disabilities, and the economically disadvantaged have full opportunity to achieve the challenging State content standards and challenging State student performance standards in the core academic subjects;

"(H) professional development and recruitment activities designed—

"(i) to increase the number of minorities, individuals with disabilities, and females teaching in the core academic subjects in which such individuals are underrepresented; and

"(ii) to increase the numbers of women and members of other underrepresented groups who are science and mathematics teachers, through such programs as career ladder programs that assist educational paraprofessionals to obtain teaching credentials in the core academic subjects;

"(I) providing financial or other incentives for teachers to become certified by nationally recognized professional teacher enhancement programs;

"(J) support and time for teachers, and, where appropriate, pupil services personnel, and other school staff to

learn and implement effective collaboration for the instruction of children with disabilities in the core academic subject areas;

"(K) preparing teachers, and, where appropriate, pupil services personnel to work with parents and families on fostering student achievement in the core academic subjects;

"(L) professional development activities and other support for new teachers as such teachers move into the classroom to provide such teachers with practical support and to increase the retention of such teachers;

"(M) professional development for teachers, parents, early childhood educators, administrators, and other staff to support activities and services related to preschool transition programs to raise student performance in the core academic subjects;

"(N) professional development activities to train teachers in innovative instructional methodologies designed to meet the diverse learning needs of individual students, including methodologies which integrate academic and vocational learning and applied learning, interactive and interdisciplinary team teaching, and other alternative teaching strategies such as service learning, experiential learning, career-related education, and environmental education, that integrate real world applications into the core academic subjects;

"(O) developing professional development strategies and programs to more effectively involve parents in helping their children achieve in the core academic subjects;

"(P) professional development activities designed to increase the number of women and other underrepresented groups in the administration of schools; and

"(Q) release time with pay for teachers.

"*SEC. 2211. HIGHER EDUCATION ACTIVITIES.*

"(a) ACTIVITIES.—

"(1) IN GENERAL.—From amounts made available under section 2203(2), the State agency for higher education, working in conjunction with the State educational agency (if such agencies are separate), shall make grants to, or enter into contracts or cooperative agreements with, institutions of higher education and nonprofit organizations of demonstrated effectiveness, including museums and educational partnership organizations, which must work in conjunction with a local educational agency, consortium of local educational agencies, or schools, for—

"(A) professional development activities in the core academic subjects that contribute to the State plan for professional development;

"(B) developing and providing assistance to local educational agencies, and the teachers and staff of each such agency, for sustained, high-quality professional development activities; and

"(C) improving teacher education programs in order to promote further innovation in teacher education programs within an institution of higher education and to better meet

the needs of the local educational agencies for well-prepared teachers.

"(2) COMPETITIVE BASIS.—Each grant, contract, or cooperative agreement described in paragraph (1) shall be awarded on a competitive basis.

"(3) SPECIAL RULE.—No institution of higher education may receive assistance under (a)(1) of this subsection unless the institution enters into an agreement with a local educational agency, or consortium of such agencies, to provide sustained, high-quality professional development for the elementary and secondary school teachers in the schools of each such agency.

"(4) JOINT EFFORTS.—Each activity assisted under this section, where applicable, shall involve the joint effort of the institution of higher education's school or department of education, if any, and the schools or departments in the specific disciplines in which such professional development will be provided.

"(b) ALLOWABLE ACTIVITIES.—A recipient of funds under this section shall use such funds for—

"(1) sustained and intensive high-quality professional development for teams of teachers, or teachers, and, where appropriate, pupil services personnel and administrators from individual schools or school districts;

"(2) other sustained and intensive professional development activities related to achievement of the State plan for professional development; and

"(3) preservice training activities.

"(c) PARTNERSHIPS.—Each institution of higher education receiving a grant under this section may also enter into a partnership with a private industry, museum, library, educational television station, or public or private nonprofit organization of demonstrated experience to carry out professional development activities assisted under this section.

"PART C—PROFESSIONAL DEVELOPMENT DEMONSTRATION PROJECT

"SEC. 2301. FINDINGS AND PURPOSE.

"(a) FINDINGS.—The Congress finds that—

"(1) underlying the standards-driven framework of the Goals 2000: Educate America Act and the high academic standards for eligible students under title I is a widespread need to prepare teachers to teach to higher standards;

"(2) prospective and current teachers need knowledge and skills beyond what such teachers currently possess;

"(3) while both the Goals 2000: Educate America Act and titles I and II of this Act have extensive references to professional development of teachers, there are no provisions to incorporate 'on-the-ground' planning and implementation to serve as models for local educational agencies across the Nation; and

"(4) better prepared teachers can lead to improved student achievement, especially for students who are furthest from reaching high standards.

"(b) PURPOSE.—It is the purpose of this part—

"(1) to address the need for professional development with a primary focus on teachers;

"(2) to provide both prospective teachers and current teachers opportunities to learn both the content and the pedagogy needed to teach to high standards; and

"(3) to build models, in a few cities and States, that demonstrate new organizational arrangements and deep investments in teachers necessary to better prepare teachers for new standards and assessments.

"SEC. 2302. DEMONSTRATION PROGRAM AUTHORIZED.

"(a) GENERAL AUTHORITY.—

"(1) IN GENERAL.—The Secretary shall carry out a demonstration project under which the Secretary awards grants in accordance with this part to eligible partnerships to enable such partnerships to plan and implement professional development programs.

"(2) PROGRAM REQUIREMENTS.—The programs described in paragraph (1)—

"(A) shall focus on increasing teachers' knowledge and understanding of content by providing teachers opportunities to improve their knowledge and to improve their classroom practice in order to help students meet high academic standards;

"(B) shall include teachers at all career stages, from student teachers or interns through senior team leaders or department chairs; and

"(C) may incorporate professional development for principals, pupil services personnel, aides, other school-based staff, and parents.

"(b) ELIGIBLE PARTNERSHIPS.—For the purpose of this part, the term 'eligible partnership' means a partnership consisting of—

"(1) a local educational agency, a subunit of such agency, or a consortium of such agencies, in which not less than 50 percent of the schools served by such agency, subunit, or consortium are eligible to participate in schoolwide programs under section 1114; or

"(2) other partners that—

"(A) shall include, at a minimum, a teachers' union (if appropriate), one or more institutions of higher education which may include faculty from schools of education and faculty from schools of arts and sciences, and a local parent or community council; and

"(B) may include a business partner or a nonprofit organization with a demonstrated record in staff development.

"SEC. 2303. GRANTS.

"(a) AUTHORITY.—

"(1) IN GENERAL.—The Secretary shall award grants for planning, and grants for the implementation of, professional development programs under this part.

"(2) DISTRIBUTION.—The Secretary shall award not less than 75 percent of the funds available for grants under this

part to eligible partnerships serving the schools with the greatest number of poor students. To the extent possible, such grants shall be awarded to eligible partnerships serving both rural and urban school districts and in a manner that reflects geographic and racial diversity.

"(3) NUMBER OF GRANTS.—In the first year that the Secretary awards grants under this part, the Secretary shall award at least twice as many planning grants as implementation grants in order to receive well-developed plans for long-term funding under this part.

"(b) GRANT REQUIREMENTS.—

"(1) DURATION.—The Secretary shall award—

"(A) planning grants under this part for a period of not less than six months and not more than nine months; and

"(B) implementation grants under this part for a period of four fiscal years.

"(2) AMOUNT.—The Secretary shall award grants under this part in an amount determined on the basis of the size of the program and the level of investment the eligible partnership is making in teacher development in the area served by the eligible partnership, including local, State, and Federal funds and existing higher education resources, except that no grant under this part shall exceed $500,000 in any one fiscal year.

"SEC. 2304. PLAN.

"Each eligible partnership desiring assistance under this part shall develop a plan for the program to be assisted under this part. Such plan shall—

"(1) identify clearly how such plan will support an overall systemic reform strategy giving special attention to the role of teacher preparation for new standards and assessment;

"(2) describe the eligible partnership's instructional objectives and how the professional development activities will support such objectives;

"(3) specify the organizational arrangements and delivery strategies to be used, such as teacher centers, professional development schools, teacher networks, and academic alliances, as well as the curriculum for teachers;

"(4) specify the commitments the local educational agencies, teacher's union, institutions of higher education, or any other entity participating in such partnership are prepared to make, not only to support program activities such as release time, contractual flexibility, support for interns or student teachers if applicable, but also to sustain the central aspects of the plan after the expiration of the grant; and

"(5) describe how the activities described under this part will lead to districtwide policy and budget changes.

"SEC. 2305. TECHNICAL ASSISTANCE.

"The Secretary is authorized to enter into an arrangement with an intermediary organization to enable such organization to provide technical assistance to eligible partnerships receiving assistance under this part.

"SEC. 2306. MATCHING FUNDS.

"The Secretary shall give special priority to awarding grants under this part to eligible partnerships that demonstrate such partnership's ability to raise matching funds from private sources.

"PART D—GENERAL PROVISIONS

"SEC. 2401. REPORTING AND ACCOUNTABILITY.

"(a) STATES.—Each State that receives funds under this part shall submit a report to the Secretary every three years, beginning with fiscal year 1997, on the State's progress toward the performance indicators identified in such State's plan, as well as on the effectiveness of State and local activities assisted under this part.

"(b) LOCAL EDUCATIONAL AGENCIES.—Each local educational agency that receives funds under this part shall submit a report to the State every three years, beginning with fiscal year 1997, regarding the progress of such agency toward performance indicators identified in such agency's local plan, as well as on the effectiveness of such agency's activities under this part.

"(c) FEDERAL EVALUATION.—The Secretary shall report to the President and the Congress on the effectiveness of programs and activities assisted under this part in accordance with section 14701.

"(d) PROHIBITION ON FUNDS BEING USED FOR CONSTRUCTION OR RENOVATION.—Funds received under this part shall not be used for construction or renovation of buildings, rooms, or any other facilities.

"SEC. 2402. DEFINITIONS.

"As used in this part—

"(1) the term 'core academic subjects' means those subjects listed in the State plan under title III of the Goals 2000: Educate America Act or under the third National Education Goal as set forth in section 102(3) of such Act;

"(2) the term 'performance indicators' means measures of specific outcomes that the State or local educational agency identifies as assessing progress toward the goal of ensuring that all teachers have the knowledge and skills necessary to assist their students to meet challenging State content standards and challenging State student performance standards in the core academic subjects, such as—

"(A) the degree to which licensure requirements are tied to challenging State content standards and challenging State student performance standards;

"(B) specific increases in the number of elementary and secondary teachers with strong content backgrounds in the core academic subjects;

"(C) incorporating effective strategies, techniques, methods, and practices for meeting the educational needs of diverse students, including females, minorities, individuals with disabilities, limited English proficient individuals, and economically disadvantaged individuals, in order to ensure that all students have the opportunity to achieve challenging student performance standards;

"(D) specific increases in the number of teachers who are certified by the National Board for Professional Teaching Standards or other nationally recognized professional teacher enhancement organizations; and

"(E) specific increases in the number of teachers licensed in each core academic subject;

"(3) the term 'sustained and intensive high-quality professional development' means professional development activities that—

"(A) are tied to challenging State content standards, challenging State student performance standards, voluntary national content standards or voluntary national student performance standards;

"(B) reflect up-to-date research in teaching and learning and include integrated content and pedagogical components appropriate for students with diverse learning needs;

"(C) incorporate effective strategies, techniques, methods, and practices for meeting the educational needs of diverse students, including females, minorities, individuals with disabilities, limited English proficient individuals, and economically disadvantaged individuals, in order to ensure that all students have the opportunity to achieve challenging student performance standards;

"(D) are of sufficient intensity and duration to have a positive and lasting impact on the teacher's performance in the classroom or the administrator's performance on the job; and

"(E) recognize teachers as an important source of knowledge that should inform and help shape professional development; and

"(4) the term 'local', when used with respect to standards, means challenging content and student performance standards in the core academic subjects (in addition to challenging State content and student performance standards approved by the State for title I).

"TITLE III—TECHNOLOGY FOR EDUCATION

"SEC. 3101. SHORT TITLE.

"This title may be cited as the 'Technology for Education Act of 1994'.

"PART A—TECHNOLOGY FOR EDUCATION OF ALL STUDENTS

"SEC. 3111. FINDINGS.

"The Congress finds that—

"(1) technology can produce far greater opportunities for all students to learn to high standards, promote efficiency and effectiveness in education, and help propel our Nation's school systems into very immediate and dramatic reform, without

which our Nation will not meet the National Education Goals by the target year 2000;

"(2) the use of technology as a tool in the teaching and learning process is essential to the development and maintenance of a technologically literate citizenry and an internationally competitive work force;

"(3) the acquisition and use of technology in education throughout the United States has been inhibited by—

"(A) the absence of Federal leadership;

"(B) the inability of many State and local educational agencies to invest in and support needed technologies;

"(C) the limited exposure of students and teachers to the power of technology as a cost-effective tool to improve student learning and achievement;

"(D) the lack of appropriate electrical and telephone connections in the classroom; and

"(E) the limited availability of appropriate technology-enhanced curriculum, instruction, professional development, and administrative support resources and services in the educational marketplace;

"(4) policies at the Federal, State, and local levels concerning technology in education must address disparities in the availability of technology to different groups of students, give priority to serving students in greatest need, and recognize that educational telecommunications and technology can address educational equalization concerns and school restructuring needs by providing universal access to high-quality teaching and programs, particularly in urban and rural areas;

"(5) the increasing use of new technologies and telecommunications systems in business has increased the gap between schooling and work force preparation, and underscores the need for technology policies at the Federal, State, tribal, and local levels that address preparation for school-to-work transitions;

"(6) technology can enhance the ongoing professional development of teachers and administrators by providing constant access to updated research in teaching and learning by means of telecommunications, and, through exposure to technology advancements, keep teachers and administrators excited and knowledgeable about unfolding opportunities for the classroom;

"(7) planned and creative uses of technology, combined with teachers adequately trained in the use of technology, can reshape our Nation's traditional method of providing education and empower teachers to create an environment in which students are challenged through rigorous, rich classroom instruction provided at a pace suited to each student's learning style, and in which students have increased opportunities to develop higher order thinking and technical skills;

"(8) schools need new ways of financing the acquisition and maintenance of educational technology;

"(9) the needs for educational technology differ from State to State;

"(10) technology can provide students, parents, teachers, other education professionals, communities, and industry with

increased opportunities for partnerships and with increased access to information, instruction, and educational services in schools and other settings, including homes, libraries, preschool and child-care facilities, adult and family education programs, and postsecondary institutions;

"(11) the Department, consistent with the overall national technology policy established by the President, must assume a vital leadership and coordinating role in developing the national vision and strategy to infuse advanced technology throughout all educational programs;

"(12) Federal support can ease the burden at the State and local levels by enabling the acquisition of advanced technology and initiating the development of teacher training and support as well as new educational products;

"(13) leadership at the Federal level should consider guidelines to ensure that educational technology is accessible to all users with maximum interoperability nationwide;

"(14) the rapidly changing nature of technology requires coordination and flexibility in Federal leadership; and

"(15) technology has the potential to assist and support the improvement of teaching and learning in schools and other settings.

"SEC. 3112. STATEMENT OF PURPOSE.

"The purpose of this part is to support a comprehensive system for the acquisition and use by elementary and secondary schools in the United States of technology and technology-enhanced curricula, instruction, and administrative support resources and services to improve the delivery of educational services. Such system shall include—

"(1) national leadership with respect to the need for, and the provision of, appropriate technology-enhanced curriculum, instruction, and administrative programs to improve learning in the United States, and to promote equal access for all students to educational opportunities in order to achieve the National Education Goals by the year 2000;

"(2) funding mechanisms which will support the development, interconnection, implementation, improvement, and maintenance of an effective educational technology infrastructure, including activities undertaken by State and local educational agencies to promote and provide equipment, training for teachers and school library and media personnel, and technical support;

"(3) support for technical assistance, professional development, information and resource dissemination, in order to help States, local educational agencies, teachers, school library and media personnel, and administrators successfully integrate technology into kindergarten through 12th grade classrooms and library media centers;

"(4) support for the development of educational and instructional programming in core subject areas, which shall address the National Education Goals;

"(5) strengthening and building upon, but not duplicating, existing telecommunications infrastructures dedicated to educational purposes;

"(6) development and evaluation of new and emerging educational technologies, telecommunications networks, and state-of-the-art educational technology products that promote the use of advanced technologies in the classroom and school library media center;

"(7) assessment data regarding state-of-the-art uses of technologies in United States education upon which commercial and noncommercial telecommunications entities, and governments can rely for decisionmaking about the need for, and provision of, appropriate technologies for education in the United States;

"(8) ensuring that uses of educational technology are consistent with the overall national technology policy established by the President, and ensuring that Federal technology-related policies and programs will facilitate the use of technology in education;

"(9) ensuring that activities supported under this part will form the basis for sound State and local decisions about investing in, sustaining, and expanding uses of technology in education;

"(10) establishing working guidelines to ensure maximum interoperability nationwide and ease of access for the emerging technologies so that no school system will be excluded from the technological revolution;

"(11) ensuring that, as technological advances are made, the educational uses of these advances are considered and their applications are developed; and

"(12) encouragement of collaborative relationships among the State agency for higher education, the State library administrative agency, the State telecommunications agency, and the State educational agency, in the area of technology support to strengthen the system of education.

"SEC. 3113. DEFINITIONS.

"For purposes of this title—

"(1) the term 'adult education' has the same meaning given such term by section 312 of the Adult Education Act;

"(2) the term 'all students' means students from a broad range of backgrounds and circumstances, including disadvantaged students, students with diverse racial, ethnic, and cultural backgrounds, students with disabilities, students with limited English proficiency, students who have dropped out of school, and academically talented students;

"(3) the term 'information infrastructure' means a network of communication systems designed to exchange information among all citizens and residents of the United States;

"(4) the term 'instructional programming' means the full range of audio and video data, text, graphics, or additional state-of-the-art communications, including multimedia based resources distributed through interactive, command and control, or passive methods for the purpose of education and instruction;

"(5) the terms 'interoperable' and 'interoperability' mean the ability to exchange easily data with, and connect to, other hardware and software in order to provide the greatest accessibility for all students and other users;

"(6) the term 'Office' means the Office of Educational Technology;

"(7) the term 'public telecommunications entity' has the same meaning given to such term by section 397(12) of the Communications Act of 1934;

"(8) the term 'regional educational laboratory' means a regional educational laboratory supported under section 941(h) of the Educational, Research, Development, Dissemination, and Improvement Act of 1994;

"(9) the term 'State educational agency' includes the Bureau of Indian Affairs for purposes of serving schools funded by the Bureau of Indian Affairs in accordance with this part;

"(10) the term 'State library administrative agency' has the same meaning given to such term in section 3 of the Library Services and Construction Act; and

"(11) the term 'technology' means state-of-the-art technology products and services, such as closed circuit television systems, educational television and radio programs and services, cable television, satellite, copper and fiber optic transmission, computer hardware and software, video and audio laser and CD-ROM discs, and video and audio tapes.

"SEC. 3114. AUTHORIZATION OF APPROPRIATIONS; FUNDING RULE.

"(a) AUTHORIZATION OF APPROPRIATIONS.—

"(1) SUBPARTS 1, 2, AND 3.—There are authorized to be appropriated $200,000,000 for fiscal year 1995 and such sums as may be necessary for each of the four succeeding fiscal years to carry out subparts 1, 2, and 3, of which—

"(A)(i) $3,000,000 shall be available to carry out subpart 1 (National Programs for Technology in Education) for any such year for which the amount appropriated under this subsection is less than $75,000,000; and

"(ii) $5,000,000 shall be available to carry out subpart 1 for any such year for which the amount appropriated under this subsection is equal to or greater than $75,000,000;

"(B) $10,000,000 shall be available to carry out subpart 3 (Regional Technical Support and Professional Development) for each such year; and

"(C) the remainder shall be available to carry out subpart 2 (State and Local Programs for School Technology Resources) for each such year.

"(2) SUBPART 4.—For the purpose of carrying out subpart 4, there are authorized to be appropriated $50,000,000 for fiscal year 1995 and such sums as may be necessary for each of the four succeeding fiscal years.

"(b) FUNDING RULE.—

"(1) APPROPRIATIONS OF LESS THAN $75,000,000.—For any fiscal year for which the amount appropriated under subsection (a)(1) is less than $75,000,000, from the remainder of funds made available under subsection (a)(1)(C) the Secretary shall

award grants for the National Challenge Grants in accordance with section 3136.

"(2) APPROPRIATIONS EQUAL TO OR GREATER THAN $75,000,000.—For any fiscal year for which the amount appropriated under subsection (a)(1) is equal to or greater than $75,000,000, from the remainder of funds made available under subsection (a)(1)(C) the Secretary shall award grants to State educational agencies from allotments under section 3131, except that the Secretary may reserve, from such remainder, such funds as the Secretary determines necessary to meet outstanding obligations for such fiscal year to continue the National Challenge Grants for Technology awarded under section 3136.

"SEC. 3115. LIMITATION ON COSTS.

"Not more than 5 percent of the funds under this part that are made available to a recipient of funds under this part for any fiscal year may be used by such recipient for administrative costs or technical assistance.

"Subpart 1—National Programs for Technology in Education

"SEC. 3121. NATIONAL LONG-RANGE TECHNOLOGY PLAN.

"(a) IN GENERAL.—The Secretary shall develop and publish not later than 12 months after the date of the enactment of the Improving America's Schools Act of 1994, and update when the Secretary determines appropriate, a national long-range plan that supports the overall national technology policy and carries out the purposes of this part.

"(b) PLAN REQUIREMENTS.—The Secretary shall—

"(1) develop the national long-range plan in consultation with other Federal departments or agencies, State and local education practitioners and policymakers, experts in technology and the applications of technology to education, representatives of distance learning consortia, representatives of telecommunications partnerships receiving assistance under the Star Schools Act, and providers of technology services and products;

"(2) transmit such plan to the President and to the appropriate committees of the Congress; and

"(3) publish such plan in a form that is readily accessible to the public.

"(c) CONTENTS OF THE PLAN.—The national long-range plan shall describe the Secretary's activities to promote the purposes of this title, including—

"(1) how the Secretary will encourage the effective use of technology to provide all students the opportunity to achieve State content standards and State student performance standards, especially through programs administered by the Department;

"(2) joint activities in support of the overall national technology policy with other Federal departments or agencies, such as the Office of Science and Technology Policy, the National Endowment for the Humanities, the National Endowment for the

Arts, the National Institute for Literacy, the National Aeronautics and Space Administration, the National Science Foundation, the Bureau of Indian Affairs, and the Departments of Commerce, Energy, Health and Human Services, and Labor—

"(A) to promote the use of technology in education, training, and lifelong learning, including plans for the educational uses of a national information infrastructure; and

"(B) to ensure that the policies and programs of such departments or agencies facilitate the use of technology for educational purposes, to the extent feasible;

"(3) how the Secretary will work with educators, State and local educational agencies, and appropriate representatives of the private sector to facilitate the effective use of technology in education;

"(4) how the Secretary will promote—

"(A) higher achievement of all students through the integration of technology into the curriculum;

"(B) increased access to the benefits of technology for teaching and learning for schools with a high number or percentage of children from low-income families;

"(C) the use of technology to assist in the implementation of State systemic reform strategies;

"(D) the application of technological advances to use in education;

"(E) increased access to high quality adult and family education services through the use of technology for instruction and professional development; and

"(F) increased opportunities for the professional development of teachers in the use of new technologies;

"(5) how the Secretary will determine, in consultation with appropriate individuals, organizations, industries, and agencies, the feasibility and desirability of establishing guidelines to facilitate an easy exchange of data and effective use of technology in education;

"(6) how the Secretary will promote the exchange of information among States, local educational agencies, schools, consortia, and other entities concerning the effective use of technology in education;

"(7) how the Secretary will utilize the outcomes of the evaluation undertaken pursuant to section 3123 to promote the purposes of this part; and

"(8) the Secretary's long-range measurable goals and objectives relating to the purposes of this part.

"SEC. 3122. FEDERAL LEADERSHIP.

"(a) PROGRAM AUTHORIZED.—In order to provide Federal leadership in promoting the use of technology in education, the Secretary, in consultation with the National Science Foundation, the Department of Commerce, the United States National Commission on Libraries and Information Sciences, and other appropriate Federal agencies, may carry out activities designed to achieve the purposes of this part directly or by awarding grants or contracts competitively and pursuant to a peer review process to, or entering into

contracts with, State educational agencies, local educational agencies, institutions of higher education, or other public and private nonprofit or for-profit agencies and organizations.

"*(b)* ASSISTANCE.—

"*(1)* IN GENERAL.—*The Secretary shall provide assistance to the States to enable such States to plan effectively for the use of technology in all schools throughout the State in accordance with the purpose and requirements of section 317 of the Goals 2000: Educate America Act.*

"*(2)* OTHER FEDERAL AGENCIES.—*For the purpose of carrying out coordinated or joint activities consistent with the purposes of this part, the Secretary may accept funds from, and transfer funds to, other Federal agencies.*

"*(c)* USES OF FUNDS.—*The Secretary shall use funds made available to carry out this section for activities designed to carry out the purpose of this part, such as—*

"*(1) providing assistance to technical assistance providers to enable such providers to improve substantially the services such providers offer to educators regarding the uses of technology for education, including professional development;*

"*(2) providing development grants to technical assistance providers, to enable such providers to improve substantially the services such providers offer to educators on the educational uses of technology, including professional development;*

"*(3) consulting with representatives of industry, elementary and secondary education, higher education, adult and family education, and appropriate experts in technology and educational applications of technology in carrying out activities under this subpart;*

"*(4) research on, and the development of, guidelines to facilitate maximum interoperability, efficiency and easy exchange of data for effective use of technology in education;*

"*(5) research on, and the development of, applications for education of the most advanced and newly emerging technologies which research shall be coordinated, when appropriate, with the Office of Educational Research and Improvement, and other Federal agencies;*

"*(6) the development, demonstration, and evaluation of the educational aspects of high performance computing and communications technologies and of the national information infrastructure, in providing professional development for teachers, school librarians, and other educators; enriching academic curricula for elementary and secondary schools; facilitating communications among schools, local educational agencies, libraries, parents, and local communities and in other such areas as the Secretary deems appropriate;*

"*(7) the development, demonstration, and evaluation of applications of existing technology in preschool education, elementary and secondary education, training and lifelong learning, and professional development of educational personnel;*

"*(8) the development and evaluation of software and other products, including multimedia television programming, that* *incorporate advances in technology and help achieve the National Education Goals, State content standards and State student performance standards;*

"(9) the development, demonstration, and evaluation of model strategies for preparing teachers and other personnel to use technology effectively to improve teaching and learning;

"(10) the development of model programs that demonstrate the educational effectiveness of technology in urban and rural areas and economically distressed communities;

"(11) research on, and the evaluation of, the effectiveness and benefits of technology in education;

"(12) a biennial assessment of, and report to the public regarding, the uses of technology in elementary and secondary education throughout the United States upon which private businesses and Federal, State, tribal, and local governments may rely for decisionmaking about the need for, and provision of, appropriate technologies in schools, which assessment and report shall use, to the extent possible, existing information and resources;

"(13) conferences on, and dissemination of information regarding, the uses of technology in education;

"(14) the development of model strategies to promote gender equity concerning access to, and the use of, technology in the classroom;

"(15) encouraging collaboration between the Department and other Federal agencies in the development, implementation, evaluation and funding of applications of technology for education, as appropriate; and

"(16) such other activities as the Secretary determines will meet the purposes of this subpart.

"(d) NON-FEDERAL SHARE.—

"(1) IN GENERAL.—Subject to paragraphs (2) and (3), the Secretary may require any recipient of a grant or contract under this section to share in the cost of the activities assisted under such grant or contract, which non-Federal share shall be announced through a notice in the Federal Register and may be in the form of cash or in-kind contributions, fairly valued.

"(2) INCREASE.—The Secretary may increase the non-Federal share that is required of a recipient of a grant or contract under this section after the first year such recipient receives funds under such grant or contract.

"(3) MAXIMUM.—The non-Federal share required under this section shall not exceed 50 percent of the cost of the activities assisted pursuant to a grant or contract under this section.

"SEC. 3123. STUDY, EVALUATION AND REPORT OF FUNDING ALTERNATIVES.

"The Secretary, through the Office of Educational Technology, shall conduct a study to evaluate, and report to the Congress on, the feasibility of several alternative models for providing sustained and adequate funding for schools throughout the United States so that such schools are able to acquire and maintain technology-enhanced curriculum, instruction, and administrative support resources and services. Such report shall be submitted to the Congress not later

than one year after the date of enactment of the Improving America's Schools Act of 1994.

"Subpart 2—State and Local Programs for School Technology Resources

"SEC. 3131. ALLOTMENT AND REALLOTMENT.

"(a) ALLOTMENT.—

"(1) IN GENERAL.—Except as provided in paragraph (2), each State educational agency shall be eligible to receive a grant under this subpart for a fiscal year in an amount which bears the same relationship to the amount made available under section 3114(a)(1)(C) for such year as the amount such State received under part A of title I for such year bears to the amount received for such year under such part by all States.

"(2) MINIMUM.—No State educational agency shall be eligible to receive a grant under paragraph (1) in any fiscal year in an amount which is less than one-half of one percent of the amount made available under section 3115(a)(1)(C) for such year.

"(b) REALLOTMENT OF UNUSED FUNDS.—

"(1) IN GENERAL.—The amount of any State educational agency's allotment under subsection (a) for any fiscal year which the Secretary determines will not be required for such fiscal year to carry out this subpart shall be available for reallotment from time to time, on such dates during such year as the Secretary may determine, to other State educational agencies in proportion to the original allotments to such State educational agencies under subsection (a) for such year, but with such proportionate amount for any of such other State educational agencies being reduced to the extent such amount exceeds the sum the Secretary estimates such State needs and will be able to use for such year.

"(2) OTHER REALLOTMENTS.—The total of reductions under paragraph (1) shall be similarly reallotted among the State educational agencies whose proportionate amounts were not so reduced. Any amounts reallotted to a State educational agency under this subsection during a year shall be deemed a subpart of such agencies allotment under subsection (a) for such year.

"SEC. 3132. SCHOOL TECHNOLOGY RESOURCE GRANTS.

"(a) GRANTS TO STATES.—

"(1) IN GENERAL.—From amounts made available under section 3131, the Secretary, through the Office of Educational Technology, shall award grants to State educational agencies having applications approved under section 3133.

"(2) USE OF GRANTS.—(A) Each State educational agency receiving a grant under paragraph (1) shall use such grant funds to award grants, on a competitive basis, to local educational agencies to enable such local educational agencies to carry out the activities described in section 3134.

"(B) In awarding grants under subparagraph (A), each State educational agency shall ensure that each such grant is

of sufficient duration, and of sufficient size, scope, and quality, to carry out the purposes of this part effectively.

"(b) TECHNICAL ASSISTANCE.—Each State educational agency receiving a grant under paragraph (1) shall—

"(1) identify the local educational agencies served by the State educational agency that—

"(A) have the highest number or percentage of children in poverty; and

"(B) demonstrate to such State educational agency the greatest need for technical assistance in developing the application under section 3133; and

"(2) offer such technical assistance to such local educational agencies.

"SEC. 3133. STATE APPLICATION.

"To receive funds under this subpart, each State educational agency shall submit a statewide educational technology plan which may include plans submitted under the Goals 2000: Educate America Act or other statewide technology plans which meet the requirements of this section. Such application shall be submitted to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require. Each such application shall contain a systemic statewide plan that—

"(1) outlines long-term strategies for financing technology education in the State and describes how business, industry, and other public and private agencies, including libraries, library literacy programs, and institutions of higher education, can participate in the implementation, ongoing planning, and support of the plan; and

"(2) meets such other criteria as the Secretary may establish in order to enable such agency to provide assistance to local educational agencies that have the highest numbers or percentages of children in poverty and demonstrate the greatest need for technology, in order to enable such local educational agencies, for the benefit of school sites served by such local educational agencies, to carry out activities such as—

"(A) purchasing quality technology resources;

"(B) installing various linkages necessary to acquire connectivity;

"(C) integrating technology into the curriculum in order to improve student learning and achievement;

"(D) providing teachers and library media personnel with training or access to training;

"(E) providing administrative and technical support and services that improve student learning through enriched technology-enhanced resources, including library media resources;

"(F) promoting in individual schools the sharing, distribution, and application of educational technologies with demonstrated effectiveness;

"(G) assisting schools in promoting parent involvement;

"(H) assisting the community in providing literacy-related services;

"(I) establishing partnerships with private or public educational providers or other entities to serve the needs of children in poverty; and

"(J) providing assurances that financial assistance provided under this part shall supplement, not supplant, State and local funds.

"SEC. 3134. LOCAL USES OF FUNDS.

"Each local educational agency, to the extent possible, shall use the funds made available under section 3132(a)(2) for—

"(1) developing, adapting, or expanding existing and new applications of technology to support the school reform effort;

"(2) funding projects of sufficient size and scope to improve student learning and, as appropriate, support professional development, and provide administrative support;

"(3) acquiring connectivity linkages, resources, and services, including the acquisition of hardware and software, for use by teachers, students and school library media personnel in the classroom or in school library media centers, in order to improve student learning by supporting the instructional program offered by such agency to ensure that students in schools will have meaningful access on a regular basis to such linkages, resources and services;

"(4) providing ongoing professional development in the integration of quality educational technologies into school curriculum and long-term planning for implementing educational technologies;

"(5) acquiring connectivity with wide area networks for purposes of accessing information and educational programming sources, particularly with institutions of higher education and public libraries; and

"(6) providing educational services for adults and families.

"SEC. 3135. LOCAL APPLICATIONS.

"Each local educational agency desiring assistance from a State educational agency under section 3132(a)(2) shall submit an application, consistent with the objectives of the systemic statewide plan, to the State educational agency at such time, in such manner and accompanied by such information as the State educational agency may reasonably require. Such application, at a minimum, shall—

"(1) include a strategic, long-range (three- to five-year), plan that includes—

"(A) a description of the type of technologies to be acquired, including specific provisions for interoperability among components of such technologies and, to the extent practicable, with existing technologies;

"(B) an explanation of how the acquired technologies will be integrated into the curriculum to help the local educational agency enhance teaching, training, and student achievement;

"(C) an explanation of how programs will be developed in collaboration with existing adult literacy services providers to maximize the use of such technologies;

"(D)(i) a description of how the local educational agency will ensure ongoing, sustained professional development

for teachers, administrators, and school library media personnel served by the local educational agency to further the use of technology in the classroom or library media center; and

"(ii) a list of the source or sources of ongoing training and technical assistance available to schools, teachers and administrators served by the local educational agency, such as State technology offices, intermediate educational support units, regional educational laboratories or institutions of higher education;

"(E) a description of the supporting resources, such as services, software and print resources, which will be acquired to ensure successful and effective use of technologies acquired under this section;

"(F) the projected timetable for implementing such plan in schools;

"(G) the projected cost of technologies to be acquired and related expenses needed to implement such plan; and

"(H) a description of how the local educational agency will coordinate the technology provided pursuant to this subpart with other grant funds available for technology from State and local sources;

"(2) describe how the local educational agency will involve parents, public libraries, business leaders and community leaders in the development of such plan;

"(3) describe how the acquired instructionally based technologies will help the local educational agency—

"(A) promote equity in education in order to support State content standards and State student performance standards that may be developed; and

"(B) provide access for teachers, parents and students to the best teaching practices and curriculum resources through technology; and

"(4) describe a process for the ongoing evaluation of how technologies acquired under this section—

"(A) will be integrated into the school curriculum; and

"(B) will affect student achievement and progress toward meeting the National Education Goals and any challenging State content standards and State student performance standards that may be developed.

"(d) FORMATION OF CONSORTIA.—A local educational agency for any fiscal year may apply for financial assistance as part of a consortium with other local educational agencies, institutions of higher education, intermediate educational units, libraries, or other educational entities appropriate to provide local programs. The State educational agency may assist in the formation of consortia among local educational agencies, providers of educational services for adults and families, institutions of higher education, intermediate educational units, libraries, or other appropriate educational entities to provide services for the teachers and students in a local educational agency at the request of such local educational agency.

"(e) COORDINATION OF APPLICATION REQUIREMENTS.—If a local educational agency submitting an application for assistance under this section has developed a comprehensive education improvement

plan, in conjunction with requirements under this Act or the Goals 2000: Educate America Act, the State educational agency may approve such plan, or a component of such plan, notwithstanding the requirements of subsection (e) if the State educational agency determines that such approval would further the purposes of this subpart.

"SEC. 3136. NATIONAL CHALLENGE GRANTS FOR TECHNOLOGY IN EDUCATION.

"(a) Grants Authorized.—

"(1) In general.—From amounts made available under section 3115(b)(1) for any fiscal year the Secretary is authorized to award grants, on a competitive basis, to consortia having applications approved under subsection (d), which consortia shall include at least one local educational agency with a high percentage or number of children living below the poverty line and may include other local educational agencies, State educational agencies, institutions of higher education, businesses, academic content experts, software designers, museums, libraries, or other appropriate entities.

"(2) Duration.—Grants under this section shall be awarded for a period of 5 years.

"(b) Use of Grants.—Grants awarded under subsection (a) shall be used for activities similar to the activities described in section 3134.

"(c) Priority.—In awarding grants under this section, the Secretary shall give priority to consortia which demonstrate in the application submitted under subsection (d) that—

"(1) the project for which assistance is sought is designed to serve areas with a high number or percentage of disadvantaged students or the greatest need for educational technology;

"(2) the project will directly benefit students by, for example, integrating the acquired technologies into curriculum to help the local educational agency enhance teaching, training, and student achievement;

"(3) the project will ensure ongoing, sustained professional development for teachers, administrators, and school library media personnel served by the local educational agency to further the use of technology in the classroom or library media center;

"(4) the project will ensure successful, effective, and sustainable use of technologies acquired under this subsection; and

"(5) members of the consortia or other appropriate entities will contribute substantial financial and other resources to achieve the goals of the project.

"(d) Application.—Each local educational agency desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"SEC. 3137. FEDERAL ADMINISTRATION.

"(a) Evaluation Procedures.—The Secretary shall develop procedures for State and local evaluations of the programs under this subpart.

"(b) EVALUATION SUMMARY.—The Secretary shall submit to the Congress four years after the enactment of the Improving America's Schools Act of 1994 a summary of the State evaluations of programs under this subpart in accordance with the provisions of section 14701.

"Subpart 3—Regional Technical Support and Professional Development

"SEC. 3141. REGIONAL TECHNICAL SUPPORT AND PROFESSIONAL DEVELOPMENT.

"(a) GRANTS AUTHORIZED.—

"(1) AUTHORITY.—The Secretary, through the Office of Educational Technology, shall make grants in accordance with the provisions of this section, to regional entities such as the Eisenhower Mathematics and Science Regional Consortia under part C of title XIII, the regional education laboratories, the comprehensive regional assistance centers, or such other regional entities as may be designated or established by the Secretary. In awarding grants under this section, the Secretary shall give priority to such consortia and shall ensure that each geographic region of the United States shall be served by such a consortium.

"(2) REQUIREMENTS.—Each consortium receiving a grant under this section shall—

"(A) be composed of State educational agencies, institutions of higher education, nonprofit organizations, or a combination thereof;

"(B) in cooperation with State and local educational agencies, develop a regional program that addresses professional development, technical assistance, and information resource dissemination, with special emphasis on meeting the documented needs of educators and learners in the region; and

"(C) foster regional cooperation and resource and coursework sharing.

"(b) FUNCTIONS.—

"(1) TECHNICAL ASSISTANCE.—Each consortium receiving a grant under this section shall, to the extent practicable—

"(A) collaborate with State educational agencies and local educational agencies requesting collaboration, particularly in the development of strategies for assisting those schools with the highest numbers or percentages of disadvantaged students with little or no access to technology in the classroom;

"(B) provide information, in coordination with information available from the Secretary, to State educational agencies, local educational agencies, schools and adult education programs, on the types and features of various educational technology equipment and software available, evaluate and make recommendations on equipment and software that support the National Education Goals and are suited for a school's particular needs, and compile and

share information regarding creative and effective applications of technology in the classroom and school library media centers in order to support the purposes of this part;

"(C) collaborate with such State educational agencies, local educational agencies, or schools requesting to participate in the tailoring of software programs and other supporting materials to meet challenging State content standards or challenging State student performance standards that may be developed; and

"(D) provide technical assistance to facilitate use of the electronic dissemination networks by State and local educational agencies and schools throughout the region.

"(2) PROFESSIONAL DEVELOPMENT.—Each consortium receiving a grant under this section shall, to the extent practicable—

"(A) develop and implement, in collaboration with State educational agencies and institutions of higher education, technology-specific, ongoing professional development, such as—

"(i) intensive school year and summer workshops that use teachers, school librarians, and school library personnel to train other teachers, school librarians, and other school library media personnel; and

"(ii) distance professional development, including—

"(I) interactive training telecourses using researchers, educators, and telecommunications personnel who have experience in developing, implementing, or operating educational and instructional technology as a learning tool;

"(II) onsite courses teaching teachers to use educational and instructional technology and to develop their own instructional materials for effectively incorporating technology and programming in their own classrooms;

"(III) methods for successful integration of instructional technology into the curriculum in order to improve student learning and achievement;

"(IV) video conferences and seminars which offer professional development through peer interaction with experts as well as other teachers using technologies in their classrooms; and

"(V) mobile education technology and training resources;

"(B) develop training resources that—

"(i) are relevant to the needs of the region and schools within the region;

"(ii) are relevant to the needs of adult literacy staff and volunteers, including onsite courses on how to—

"(I) use instructional technology; and

"(II) develop instructional materials for adult learning; and

"(iii) are aligned with the needs of teachers and administrators in the region;

"(C) establish a repository of professional development and technical assistance resources;

"(D) identify and link technical assistance providers to State and local educational agencies, as needed;

"(E) ensure that training, professional development, and technical assistance meet the needs of educators, parents, and students served by the region;

"(F) assist colleges and universities within the region to develop and implement preservice training programs for students enrolled in teacher education programs; and

"(G) assist local educational agencies and schools in working with community members and parents to develop support from communities and parents for educational technology programs and projects.

"(3) INFORMATION AND RESOURCE DISSEMINATION.—Each consortium receiving a grant under this section shall, to the extent practicable—

"(A) assist State and local educational agencies in the identification and procurement of financial, technological and human resources needed to implement technology plans;

"(B) provide outreach and, at the request of a State or local educational agency, work with such agency to assist in the development and validation of instructionally based technology education resources; and

"(C) coordinate activities and establish partnerships with organizations and institutions of higher education that represent the interests of the region as such interests pertain to the application of technology in teaching, learning, instructional management, dissemination, collection and distribution of educational statistics, and the transfer of student information.

"(4) COORDINATION.—Each consortium receiving a grant under this section shall work collaboratively, and coordinate the services the consortium provides, with appropriate regional and other entities assisted in whole or in part by the Department.

"Subpart 4—Product Development

"SEC. 3151. EDUCATIONAL TECHNOLOGY PRODUCT DEVELOPMENT.

"(a) PURPOSE.—It is the purpose of this subpart to—

"(1) support development of curriculum-based learning resources using state-of-the-art technologies and techniques designed to improve student learning; and

"(2) support development of long-term comprehensive instructional programming and associated support resources that ensure maximum access by all educational institutions.

"(b) FEDERAL ASSISTANCE AUTHORIZED.—

"(1) IN GENERAL.—The Secretary shall provide assistance, on a competitive basis, to eligible consortia to enable such entities to develop, produce, and distribute state-of-the-art technology-enhanced instructional resources and programming for

use in the classroom or to support professional development for teachers.

"(2) GRANTS AND LOANS AUTHORIZED.—In carrying out the purposes of this section, the Secretary is authorized to pay the Federal share of the cost of the development, production, and distribution of state-of-the-art technology enhanced instructional resources and programming—

"(A) by awarding grants to, or entering into contracts or cooperative agreements with, eligible consortia; or

"(B) by awarding loans to eligible consortia which—

"(i) shall be secured in such manner and be repaid within such period, not exceeding 20 years, as may be determined by the Secretary;

"(ii) shall bear interest at a rate determined by the Secretary which shall be not more than the total of one-quarter of 1 percent per annum added to the rate of interest paid by the Secretary on funds obtained from the Secretary of the Treasury; and

"(iii) may be forgiven by the Secretary, in an amount not to exceed 25 percent of the total loan, under such terms and conditions as the Secretary may consider appropriate.

"(3) MATCHING REQUIREMENT.—The Secretary may require any recipient of a grant or contract under this subpart to share in the cost of the activities assisted under such grant or contract, which non-Federal share shall be announced through a notice in the Federal Register and may be in the form of cash or in-kind contributions, fairly valued.

"(4) ELIGIBLE CONSORTIUM.—For the purpose of this subsection, the term 'eligible consortium' means a consortium—

"(A) that shall include—

"(i) a State or local educational agency; and

"(ii) a business, industry, or telecommunications entity; and

"(B) that may include—

"(i) a public or private nonprofit organization; or

"(ii) a postsecondary institution.

"(5) PRIORITIES.—In awarding assistance under this section, the Secretary shall give priority to applications describing programs or systems that—

"(A) promote the acquisition of higher-order thinking skills and promise to raise the achievement levels of all students, particularly disadvantaged students who are not realizing their potential;

"(B) are aligned with challenging State content standards and State and local curriculum frameworks;

"(C) may be adapted and applied nationally at a reasonable cost over a broad technology platform;

"(D) convert technology resources developed with support from the Department of Defense and other Federal agencies for effective use in the classroom;

"(E) show promise of reducing the costs of providing high-quality instruction;

"(F) show promise of expanding access to high-quality instruction in content areas which would otherwise not be available to students in rural and urban communities or who are served by other educational agencies with limited financial resources;

"(G) are developed in consultation with classroom teachers;

"(H) are developed through consultation and collaboration with appropriate education entities in designing the product to ensure relevance to the voluntary national content standards, the voluntary national student performance standards and State curriculum frameworks; and

"(I) are developed so that the product can be adapted for use by adults in need of literacy services, including English as a second language and preparation for a secondary school diploma or its recognized equivalent.

"(6) REQUIREMENTS FOR FEDERAL ASSISTANCE.—Each eligible consortium desiring Federal assistance under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may prescribe. Each application shall include—

"(A) a description of how the product will improve the achievement levels of students;

"(B) a description of how the activities assisted under this section will promote professional development of teachers and administrators in the uses and applications of the product, including the development of training materials;

"(C) a description of design, development, field testing, evaluation, and distribution of products, where appropriate;

"(D) an assurance that the product shall effectively serve a significant number or percentage of economically disadvantaged students;

"(E) plans for dissemination of products to a wide audience of learners;

"(F) a description of how the product can be adapted for use by students with disabilities including provisions for closed captioning or descriptive video, where appropriate;

"(G) a description of how ownership and rights to the use and marketing of any product developed by the consortium, including intellectual property rights, will be allocated among consortium participants; and

"(H) a description of the contributions, including services and funds, to be made by each member of the consortium, and how any revenues derived from the sale of any product developed by the consortium shall be distributed.

"(c) CONSUMER REPORT.—The Secretary shall provide for the independent evaluation of products developed under this section and shall disseminate information about products developed pursuant to provisions of this section to State and local educational agencies, and other organizations or individuals that the Secretary determines to be appropriate, through print and electronic media that are accessible to the education community at large.

"(d) PROCEEDS.—The Secretary shall not prohibit an eligible consortium or any of the members of such consortium from receiving financial benefits from the distribution of any products resulting from the assistance received under this section. Notwithstanding any other provision of law, any profits or royalties received by a State educational agency, local educational agency, or other non-profit member of an eligible consortium receiving assistance under this section shall be used to support further development of curriculum-based learning resources, services, and programming or to provide access to such products for a wider audience.

"PART B—STAR SCHOOLS PROGRAM

"SEC. 3201. SHORT TITLE.

"This part may be cited as the 'Star Schools Act'.

"SEC. 3202. FINDINGS.

"The Congress finds that—

"(1) the Star Schools program has helped to encourage the use of distance learning strategies to serve multi-State regions primarily by means of satellite and broadcast television;

"(2) in general, distance learning programs have been used effectively to provide students in small, rural, and isolated schools with courses and instruction, such as science and foreign language instruction, that the local educational agency is not otherwise able to provide; and

"(3) distance learning programs may also be used to—

"(A) provide students of all ages in all types of schools and educational settings with greater access to high-quality instruction in the full range of core academic subjects that will enable such students to meet challenging, internationally competitive, educational standards;

"(B) expand professional development opportunities for teachers;

"(C) contribute to achievement of the National Education Goals; and

"(D) expand learning opportunities for everyone.

"SEC. 3203. PURPOSE.

"It is the purpose of this part to encourage improved instruction in mathematics, science, and foreign languages as well as other subjects, such as literacy skills and vocational education, and to serve underserved populations, including the disadvantaged, illiterate, limited-English proficient, and individuals with disabilities, through a star schools program under which grants are made to eligible telecommunication partnerships to enable such partnerships to—

"(1) develop, construct, acquire, maintain and operate telecommunications audio and visual facilities and equipment;

"(2) develop and acquire educational and instructional programming; and

"(3) obtain technical assistance for the use of such facilities and instructional programming.

"SEC. 3204. GRANTS AUTHORIZED.

"(a) AUTHORITY.—The Secretary, through the Office of Educational Technology, is authorized to make grants, in accordance with the provisions of this part, to eligible entities to pay the Federal share of the cost of—

"(1) the development, construction, acquisition, maintenance and operation of telecommunications facilities and equipment;

"(2) the development and acquisition of live, interactive instructional programming;

"(3) the development and acquisition of preservice and inservice teacher training programs based on established research regarding teacher-to-teacher mentoring, effective skill transfer, and ongoing, in-class instruction;

"(4) the establishment of teleconferencing facilities and resources for making interactive training available to teachers;

"(5) obtaining technical assistance; and

"(6) the coordination of the design and connectivity of telecommunications networks to reach the greatest number of schools.

"(b) DURATION.—

"(1) IN GENERAL.—The Secretary shall award grants pursuant to subsection (a) for a period of 5 years.

"(2) RENEWAL.—Grants awarded pursuant to subsection (a) may be renewed for one additional three-year period.

"(c) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated $35,000,000 for fiscal year 1995, and such sums as may be necessary for each of the four succeeding fiscal years, to carry out this part.

"(2) AVAILABILITY.—Funds appropriated pursuant to the authority of subsection (a) shall remain available until expended.

"(d) LIMITATIONS.—

"(1) IN GENERAL.—A grant under this section shall not exceed—

"(A) five years in duration; and

"(B) $10,000,000 in any one fiscal year.

"(2) INSTRUCTIONAL PROGRAMMING.—Not less than 25 percent of the funds available to the Secretary in any fiscal year under this part shall be used for the cost of instructional programming.

"(3) SPECIAL RULE.—Not less than 50 percent of the funds available in any fiscal year under this part shall be used for the cost of facilities, equipment, teacher training or retraining, technical assistance, or programming, for local educational agencies which are eligible to receive assistance under part A of title I.

"(e) FEDERAL SHARE.—

"(1) IN GENERAL.—The Federal share of the cost of projects funded under this section shall not exceed—

"(A) 75 percent for the first and second years for which an eligible telecommunications partnership receives a grant under this part;

"(B) 60 percent for the third and fourth such years; and

"(C) 50 percent for the fifth such year.

"(2) REDUCTION OR WAIVER.—The Secretary may reduce or waive the requirement of the non-Federal share under paragraph (1) upon a showing of financial hardship.

"(f) AUTHORITY TO ACCEPT FUNDS FROM OTHER AGENCIES.—The Secretary is authorized to accept funds from other Federal departments or agencies to carry out the purposes of this section, including funds for the purchase of equipment.

"(g) COORDINATION.—The Department, the National Science Foundation, the Department of Agriculture, the Department of Commerce, and any other Federal department or agency operating a telecommunications network for educational purposes, shall coordinate the activities assisted under this part with the activities of such department or agency relating to a telecommunications network for educational purposes.

"(h) CLOSED CAPTIONING AND DESCRIPTIVE VIDEO.—Each entity receiving funds under this part is encouraged to provide—

"(1) closed captioning of the verbal content of such program, where appropriate, to be broadcast by way of line 21 of the vertical blanking interval, or by way of comparable successor technologies; and

"(2) descriptive video of the visual content of such program, as appropriate.

"SEC. 3205. ELIGIBLE ENTITIES.

"(a) ELIGIBLE ENTITIES.—

"(1) REQUIRED PARTICIPATION.—The Secretary may make a grant under section 3204 to any eligible entity, if at least one local educational agency is participating in the proposed project.

"(2) ELIGIBLE ENTITY.—For the purpose of this part, the term 'eligible entity' may include—

"(A) a public agency or corporation established for the purpose of developing and operating telecommunications networks to enhance educational opportunities provided by educational institutions, teacher training centers, and other entities, except that any such agency or corporation shall represent the interests of elementary and secondary schools that are eligible to participate in the program under part A of title I; or

"(B) a partnership that will provide telecommunications services and which includes 3 or more of the following entities, at least 1 of which shall be an agency described in clause (i) or (ii):

"(i) a local educational agency that serves a significant number of elementary and secondary schools that are eligible for assistance under part A of title I, or elementary and secondary schools operated or funded for Indian children by the Department of the Interior eligible under section 1121(b)(2);

"(ii) a State educational agency;

"(iii) adult and family education programs;

"(iv) an institution of higher education or a State higher education agency;

"(v) a teacher training center or academy that—

"(I) provides teacher pre-service and in-service training; and

"(II) receives Federal financial assistance or has been approved by a State agency;

"(vi)(I) a public or private entity with experience and expertise in the planning and operation of a telecommunications network, including entities involved in telecommunications through satellite, cable, telephone, or computer; or

"(II) a public broadcasting entity with such experience; or

"(vii) a public or private elementary or secondary school.

"(b) SPECIAL RULE.—An eligible entity receiving assistance under this part shall be organized on a statewide or multistate basis.

"SEC. 3206. APPLICATIONS.

"(a) APPLICATIONS REQUIRED.—Each eligible entity which desires to receive a grant under section 3204 shall submit an application to the Secretary, at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

"(b) STAR SCHOOL AWARD APPLICATIONS.—Each application submitted pursuant to subsection (a) shall—

"(1) describe how the proposed project will assist in achieving the National Education Goals, how such project will assist all students to have an opportunity to learn to challenging State standards, how such project will assist State and local educational reform efforts, and how such project will contribute to creating a high quality system of lifelong learning;

"(2) describe the telecommunications facilities and equipment and technical assistance for which assistance is sought, which may include—

"(A) the design, development, construction, acquisition, maintenance and operation of State or multistate educational telecommunications networks and technology resource centers;

"(B) microwave, fiber optics, cable, and satellite transmission equipment or any combination thereof;

"(C) reception facilities;

"(D) satellite time;

"(E) production facilities;

"(F) other telecommunications equipment capable of serving a wide geographic area;

"(G) the provision of training services to instructors who will be using the facilities and equipment for which assistance is sought, including training in using such facilities and equipment and training in integrating programs into the classroom curriculum; and

"(H) the development of educational and related programming for use on a telecommunications network;

"(3) in the case of an application for assistance for instructional programming, describe the types of programming which *will be developed to enhance instruction and training and provide assurances that such programming will be designed in consultation with professionals (including classroom teachers) who are experts in the applicable subject matter and grade level;*

"(4) describe how the eligible entity has engaged in sufficient survey and analysis of the area to be served to ensure that the services offered by the eligible entity will increase the availability of courses of instruction in English, mathematics, science, foreign languages, arts, history, geography, or other disciplines;

"(5) describe the professional development policies for teachers and other school personnel to be implemented to ensure the effective use of the telecommunications facilities and equipment for which assistance is sought;

"(6) describe the manner in which historically underserved students (such as students from low-income families, limited English proficient students, students with disabilities, or students who have low literacy skills) and their families, will participate in the benefits of the telecommunications facilities, equipment, technical assistance, and programming assisted under this part;

"(7) describe how existing telecommunications equipment, facilities, and services, where available, will be used;

"(8) provide assurances that the financial interest of the United States in the telecommunications facilities and equipment will be protected for the useful life of such facilities and equipment;

"(9) provide assurances that a significant portion of any facilities and equipment, technical assistance, and programming for which assistance is sought for elementary and secondary schools will be made available to schools or local educational agencies that have a high number or percentage of children eligible to be counted under part A of title I;

"(10) provide assurances that the applicant will use the funds provided under this part to supplement and not supplant funds otherwise available for the purposes of this part;

"(11) if any member of the consortia receives assistance under subpart 3 of part A, describe how funds received under this part will be coordinated with funds received for educational technology in the classroom under such section;

"(12) describe the activities or services for which assistance is sought, such as—

"(A) providing facilities, equipment, training services, and technical assistance;

"(B) making programs accessible to students with disabilities through mechanisms such as closed captioning and descriptive video services;

"(C) linking networks around issues of national importance (such as elections) or to provide information about employment opportunities, job training, or student and other social service programs;

"(D) sharing curriculum resources between networks and development of program guides which demonstrate cooperative, cross-network listing of programs for specific curriculum areas;

"(E) providing teacher and student support services including classroom and training support materials which permit student and teacher involvement in the live interactive distance learning telecasts;

"(F) incorporating community resources such as libraries and museums into instructional programs;

"(G) providing professional development for teachers, including, as appropriate, training to early childhood development and Head Start teachers and staff and vocational education teachers and staff, and adult and family educators;

"(H) providing programs for adults to maximize the use of telecommunications facilities and equipment;

"(I) providing teacher training on proposed or established voluntary national content standards in mathematics and science and other disciplines as such standards are developed; and

"(J) providing parent education programs during and after the regular school day which reinforce a student's course of study and actively involve parents in the learning process;

"(13) describe how the proposed project as a whole will be financed and how arrangements for future financing will be developed before the project expires;

"(14) provide an assurance that a significant portion of any facilities, equipment, technical assistance, and programming for which assistance is sought for elementary and secondary schools will be made available to schools in local educational agencies that have a high percentage of children counted for the purpose of part A of title I;

"(15) provide an assurance that the applicant will provide such information and cooperate in any evaluation that the Secretary may conduct under this part; and

"(16) include such additional assurances as the Secretary may reasonably require.

"(c) PRIORITIES.—The Secretary, in approving applications for grants authorized under section 3204, shall give priority to applications describing projects that—

"(1) propose high-quality plans to assist in achieving one or more of the National Education Goals, will provide instruction consistent with State content standards, or will otherwise provide significant and specific assistance to States and local educational agencies undertaking systemic education reform;

"(2) will provide services to programs serving adults, especially parents, with low levels of literacy;

"(3) will serve schools with significant numbers of children counted for the purposes of part A of title I;

"(4) ensure that the eligible entity will—

"(A) serve the broadest range of institutions, programs providing instruction outside of the school setting, programs serving adults, especially parents, with low levels of literacy, institutions of higher education, teacher training centers, research institutes, and private industry;

"(B) have substantial academic and teaching capabilities, including the capability of training, retraining, and inservice upgrading of teaching skills and the capability to provide professional development;

"(C) provide a comprehensive range of courses for educators to teach instructional strategies for students with different skill levels;

"(D) provide training to participating educators in ways to integrate telecommunications courses into existing school curriculum; and

"(E) provide instruction for students, teachers, and parents;

"(F) serve a multistate area; and

"(G) give priority to the provision of equipment and linkages to isolated areas; and

"(5) involve a telecommunications entity (such as a satellite, cable, telephone, computer, or public or private television stations) participating in the eligible entity and donating equipment or in kind services for telecommunications linkages.

"(d) GEOGRAPHIC DISTRIBUTION.—In approving applications for grants authorized under section 3204, the Secretary shall, to the extent feasible, ensure an equitable geographic distribution of services provided under this part.

"SEC. 3207. LEADERSHIP AND EVALUATION ACTIVITIES.

"(a) RESERVATION.—From the amount appropriated pursuant to the authority of section 3204(c)(1) in each fiscal year, the Secretary may reserve not more than 5 percent of such amount for national leadership, evaluation, and peer review activities.

"(b) METHOD OF FUNDING.—The Secretary may fund the activities described in subsection (a) directly or through grants, contracts, and cooperative agreements.

"(c) USES OF FUNDS.—

"(1) LEADERSHIP.—Funds reserved for leadership activities under subsection (a) may be used for—

"(A) disseminating information, including lists and descriptions of services available from grant recipients under this part; and

"(B) other activities designed to enhance the quality of distance learning activities nationwide.

"(2) EVALUATION.—Funds reserved for evaluation activities under subsection (a) may be used to conduct independent evaluations of the activities assisted under this part and of distance learning in general, including—

"(A) analyses of distance learning efforts, including such efforts that are assisted under this part and such efforts that are not assisted under this part; and

"(B) comparisons of the effects, including student outcomes, of different technologies in distance learning efforts.

"(3) PEER REVIEW.—Funds reserved for peer review activities under subsection (a) may be used for peer review of—

"(A) applications for grants under this part; and

"(B) activities assisted under this part.

"SEC. 3208. DEFINITIONS.

"As used in this part—

"(1) the term 'educational institution' means an institution of higher education, a local educational agency, or a State educational agency;

"(2) the term 'instructional programming' means courses of instruction and training courses for elementary and secondary students, teachers, and others, and materials for use in such instruction and training that have been prepared in audio and visual form on tape, disc, film, or live, and presented by means of telecommunications devices; and

"(3) the term 'public broadcasting entity' has the same meaning given such term in section 397 of the Communications Act of 1934.

"SEC. 3209. ADMINISTRATIVE PROVISIONS.

"(a) CONTINUING ELIGIBILITY.—

"(1) IN GENERAL.—In order to be eligible to receive a grant under section 3204 for a second 3-year grant period an eligible entity shall demonstrate in the application submitted pursuant to section 3206 that such partnership shall—

"(A) continue to provide services in the subject areas and geographic areas assisted with funds received under this part for the previous 5-year grant period; and

"(B) use all grant funds received under this part for the second 3-year grant period to provide expanded services by—

"(i) increasing the number of students, schools or school districts served by the courses of instruction assisted under this part in the previous fiscal year;

"(ii) providing new courses of instruction; and

"(iii) serving new populations of underserved individuals, such as children or adults who are disadvantaged, have limited-English proficiency, are individuals with disabilities, are illiterate, or lack secondary school diplomas or their recognized equivalent.

"(2) SPECIAL RULE.—Grant funds received pursuant to paragraph (1) shall be used to supplement and not supplant services provided by the grant recipient under this part in the previous fiscal year.

"(b) FEDERAL ACTIVITIES.—The Secretary may assist grant recipients under section 3204 in acquiring satellite time, where appropriate, as economically as possible.

"SEC. 3210. OTHER ASSISTANCE.

"(a) SPECIAL STATEWIDE NETWORK.—

"(1) IN GENERAL.—The Secretary, through the Office of Educational Technology, may provide assistance to a statewide telecommunications network under this subsection if such network—

"(A) provides 2-way full motion interactive video and audio communications;

"(B) links together public colleges and universities and secondary schools throughout the State; and

"(C) meets any other requirements determined appropriate by the Secretary.

"(2) STATE CONTRIBUTION.—A statewide telecommunications network assisted under paragraph (1) shall contribute, either directly or through private contributions, non-Federal funds equal to not less than 50 percent of the cost of such network.

"(b) SPECIAL LOCAL NETWORK.—

"(1) IN GENERAL.—The Secretary may provide assistance, on a competitive basis, to a local educational agency or consortium thereof to enable such agency or consortium to establish a high technology demonstration program.

"(2) PROGRAM REQUIREMENTS.—A high technology demonstration program assisted under paragraph (1) shall—

"(A) include 2-way full motion interactive video, audio and text communications;

"(B) link together elementary and secondary schools, colleges, and universities;

"(C) provide parent participation and family programs;

"(D) include a staff development program; and

"(E) have a significant contribution and participation from business and industry.

"(3) SPECIAL RULE.—Each high technology demonstration program assisted under paragraph (1) shall be of sufficient size and scope to have an effect on meeting the National Education Goals.

"(4) MATCHING REQUIREMENT.—A local educational agency or consortium receiving a grant under paragraph (1) shall provide, either directly or through private contributions, non-Federal matching funds equal to not less than 50 percent of the amount of the grant.

"(c) TELECOMMUNICATIONS PROGRAMS FOR CONTINUING EDUCATION.—

"(1) AUTHORITY.—The Secretary is authorized to award grants, on a competitive basis, to eligible entities to enable such partnerships to develop and operate one or more programs which provide on-line access to educational resources in support of continuing education and curriculum requirements relevant to achieving a secondary school diploma or its recognized equivalent. The program authorized by this section shall be designed to advance adult literacy, secondary school completion and the acquisition of specified competency by the end of the 12th grade, as envisioned by the Goals 2000: Educate America Act.

"(2) APPLICATION.—Each eligible entity desiring a grant under this section shall submit an application to the Secretary. Each such application shall—

"(A) demonstrate that the applicant will use publicly funded or free public telecommunications infrastructure to deliver video, voice and data in an integrated service to *support and assist in the acquisition of a secondary school diploma or its recognized equivalent;*

"(B) assure that the content of the materials to be delivered is consistent with the accreditation requirements of the State for which such materials are used;

"(C) incorporate, to the extent feasible, materials developed in the Federal departments and agencies and under appropriate federally funded projects and programs;

"(D) assure that the applicant has the technological and substantive experience to carry out the program; and

"(E) contain such additional assurances as the Secretary may reasonably require.

"PART C—READY-TO-LEARN TELEVISION

"SEC. 3301. READY-TO-LEARN.

"(a) IN GENERAL.—The Secretary is authorized to award grants to or enter into contracts or cooperative agreements with eligible entities described in section 3302(b) to develop, produce, and distribute educational and instructional video programming for preschool and elementary school children and their parents in order to facilitate the achievement of the National Education Goals.

"(b) AVAILABILITY.—In making such grants, contracts, or cooperative agreements, the Secretary shall ensure that recipients make programming widely available with support materials as appropriate to young children, their parents, child care workers, and Head Start providers to increase the effective use of such programming.

"SEC. 3302. EDUCATIONAL PROGRAMMING.

"(a) AWARDS.—The Secretary shall award grants, contracts, or cooperative agreements to eligible entities to—

"(1) facilitate the development directly or through contracts with producers of children and family educational television programming, educational programming for preschool and elementary school children, and accompanying support materials and services that promote the effective use of such programming; and

"(2) enable such entities to contract with entities (such as public telecommunications entities and those funded under the Star Schools Act) so that programs developed under this section are disseminated and distributed to the widest possible audience appropriate to be served by the programming by the most appropriate distribution technologies.

"(b) ELIGIBLE ENTITIES.—To be eligible to receive a grant, contract, or cooperative agreement under subsection (a), an entity shall be—

"(1) a nonprofit entity (including a public telecommunications entity) able to demonstrate a capacity for the development and distribution of educational and instructional television programming of high quality for preschool and elementary school children; and

"(2) able to demonstrate a capacity to contract with the producers of children's television programming for the purpose of

developing educational television programming of high quality for preschool and elementary school children.

"(c) CULTURAL EXPERIENCES.—Programming developed under this section shall reflect the recognition of diverse cultural experiences and the needs and experiences of both boys and girls in engaging and preparing young children for schooling.

"SEC. 3303. DUTIES OF SECRETARY.

"The Secretary is authorized—

"(1) to establish and administer a Special Projects of National Significance program to award grants, contracts, or cooperative agreements to public and nonprofit private entities, or local public television stations or such public television stations that are part of a consortium with one or more State educational agencies, local educational agencies, local schools, institutions of higher education, or community-based organizations of demonstrated effectiveness, for the purpose of—

"(A) addressing the learning needs of young children in limited English proficient households, and developing appropriate educational and instructional television programming to foster the school readiness of such children;

"(B) developing programming and support materials to increase family literacy skills among parents to assist parents in teaching their children and utilizing educational television programming to promote school readiness; and

"(C) identifying, supporting, and enhancing the effective use and outreach of innovative programs that promote school readiness;

"(2) to establish within the Department a clearinghouse to compile and provide information, referrals and model program materials and programming obtained or developed under this part to parents, child care providers, and other appropriate individuals or entities to assist such individuals and entities in accessing programs and projects under this part; and

"(3) to develop and disseminate training materials, including—

"(A) interactive programs and programs adaptable to distance learning technologies that are designed to enhance knowledge of children's social and cognitive skill development and positive adult-child interactions; and

"(B) support materials to promote the effective use of materials developed under paragraph (2);

among parents, Head Start providers, in-home and center based day care providers, early childhood development personnel, and elementary school teachers, public libraries, and after school program personnel caring for preschool and elementary school children;

"(4) coordinate activities with the Secretary of Health and Human Services in order to—

"(A) maximize the utilization of quality educational programming by preschool and elementary school children, and make such programming widely available to federally funded programs serving such populations; and

"(B) provide information to recipients of funds under Federal programs that have major training components for

early childhood development, including Head Start, Even Start, and State training activities funded under the Child Care Development Block Grant Act of 1990 regarding the availability and utilization of materials developed under paragraph (3) to enhance parent and child care provider skills in early childhood development and education.

"SEC. 3304. APPLICATIONS.

"Each eligible entity desiring a grant, contract, or cooperative agreement under section 3301 or 3303 shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"SEC. 3305. REPORTS AND EVALUATION.

"(a) ANNUAL REPORT TO SECRETARY.—An entity receiving funds under section 3301 shall prepare and submit to the Secretary an annual report which contains such information as the Secretary may require. At a minimum, the report shall describe the program activities undertaken with funds received under this section, including—

"(1) the programming that has been developed directly or indirectly by the entity, and the target population of the programs developed;

"(2) the support materials that have been developed to accompany the programming, and the method by which such materials are distributed to consumers and users of the programming;

"(3) the means by which programming developed under this section has been distributed, including the distance learning technologies that have been utilized to make programming available and the geographic distribution achieved through such technologies; and

"(4) the initiatives undertaken by the entity to develop public-private partnerships to secure non-Federal support for the development and distribution and broadcast of educational and instructional programming.

"(b) REPORT TO CONGRESS.—The Secretary shall prepare and submit to the relevant committees of Congress a biannual report which includes—

"(1) a summary of the information made available under section 3302(a); and

"(2) a description of the training materials made available under section 3303(3), the manner in which outreach has been conducted to inform parents and child care providers of the availability of such materials, and the manner in which such materials have been distributed in accordance with such section.

"SEC. 3306. ADMINISTRATIVE COSTS.

"With respect to the implementation of section 3302, entities receiving a grant, contract, or cooperative agreement from the Secretary may use not more than 5 percent of the amounts received under such section for the normal and customary expenses of administering the grant, contract, or cooperative agreement.

"SEC. 3307. DEFINITION.

"For the purposes of this part, the term 'distance learning' means the transmission of educational or instructional programming to geographically dispersed individuals and groups via telecommunications.

"SEC. 3308. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There are authorized to be appropriated to carry out this part, $30,000,000 for fiscal year 1995, and such sums as may be necessary for each of the four succeeding fiscal years. Not less than 60 percent of the amounts appropriated under this subsection for each fiscal year shall be used to carry out section 3302.

"(b) SPECIAL PROJECTS.—Of the amount appropriated under subsection (b) for each fiscal year, at least 10 percent of such amount shall be used for each such fiscal year for activities under section 3303(1)(C).

"PART D—TELECOMMUNICATIONS DEMONSTRATION PROJECT FOR MATHEMATICS

"SEC. 3401. PROJECT AUTHORIZED.

"The Secretary is authorized to make grants to a nonprofit telecommunications entity, or partnership of such entities, for the purpose of carrying out a national telecommunications-based demonstration project to improve the teaching of mathematics. The demonstration project authorized by this part shall be designed to assist elementary and secondary school teachers in preparing all students for achieving State content standards.

"SEC. 3402. APPLICATION REQUIRED.

"(a) IN GENERAL.—Each nonprofit telecommunications entity, or partnership of such entities, desiring a grant under this part shall submit an application to the Secretary. Each such application shall—

"(1) demonstrate that the applicant will use the existing publicly funded telecommunications infrastructure to deliver video, voice and data in an integrated service to train teachers in the use of new standards-based curricula materials and learning technologies;

"(2) assure that the project for which assistance is sought will be conducted in cooperation with appropriate State educational agencies, local educational agencies, State or local nonprofit public telecommunications entities, and a national mathematics education professional association that has developed content standards;

"(3) assure that a significant portion of the benefits available for elementary and secondary schools from the project for which assistance is sought will be available to schools of local educational agencies which have a high percentage of children counted for the purpose of part A of title I; and

"(4) contain such additional assurances as the Secretary may reasonably require.

"(b) APPROVAL OF APPLICATIONS; NUMBER OF DEMONSTRATION SITES.—In approving applications under this section, the Secretary shall assure that the demonstration project authorized by this part

is conducted at elementary and secondary school sites in at least 15 States.

"SEC. 3403. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this part, $5,000,000 for the fiscal year 1995, and such sums as may be necessary for each of the four succeeding fiscal years.

"PART E—ELEMENTARY MATHEMATICS AND SCIENCE EQUIPMENT PROGRAM

"SEC. 3501. SHORT TITLE.

"This part may be cited as the 'Elementary Mathematics and Science Equipment Act'.

"SEC. 3502. STATEMENT OF PURPOSE.

"It is the purpose of this part to raise the quality of instruction in mathematics and science in the Nation's elementary schools by providing equipment and materials necessary for hands-on instruction through assistance to State and local educational agencies.

"SEC. 3503. PROGRAM AUTHORIZED.

"The Secretary is authorized to make allotments to State educational agencies under section 3504 to enable such agencies to award grants to local educational agencies for the purpose of providing equipment and materials to elementary schools to improve mathematics and science education in such schools.

"SEC. 3504. ALLOTMENTS OF FUNDS.

"(a) IN GENERAL.—From the amount appropriated under section 3509 for any fiscal year, the Secretary shall reserve—

"(1) not more than one-half of 1 percent for allotment among Guam, American Samoa, the Virgin Islands, and the Northern Mariana Islands according to their respective needs for assistance under this part; and

"(2) one-half of 1 percent for programs for Indian students served by schools funded by the Secretary of the Interior which are consistent with the purposes of this part.

"(b) ALLOTMENT.—

"(1) IN GENERAL.—The remainder of the amount so appropriated (after meeting requirements in subsection (a)) shall be allotted among State educational agencies so that—

"(A) one-half of such remainder shall be distributed by allotting to each State educational agency an amount which bears the same ratio to such one-half of such remainder as the number of children aged 5 to 17, inclusive, in the State bears to the number of such children in all States; and

"(B) one-half of such remainder shall be distributed according to each State's share of allocations under part A of title I.

"(2) MINIMUM.—Except as provided in paragraph (3), no State educational agency shall receive an allotment under this subsection for any fiscal year in an amount that is—

"(A) less than one-half of 1 percent of the amount made available under this subsection for such fiscal year; or

"(B) less than the amount allotted to such State for fiscal year 1988 under title II of the Education for Economic Security Act.

"(3) RATABLE REDUCTIONS.—(A) If the sums made available under this part for any fiscal year are insufficient to pay the full amounts that all State educational agencies are eligible to receive under paragraph (2)(B) for such year, the Secretary shall ratably reduce the allotment to such agencies for such year.

"(B) If additional funds become available for making payments under paragraph (2)(B) for such fiscal year, allotments that were reduced under subparagraph (A) shall be increased on the same basis as such allotments were reduced.

"(c) REALLOTMENT OF UNUSED FUNDS.—The amount of any State educational agency's allotment under subsection (b) for any fiscal year to carry out this part which the Secretary determines will not be required for that fiscal year to carry out this part shall be available for reallotment from time to time, on such dates during that year as the Secretary may determine, to other State educational agencies in proportion to the original allotments to those State educational agencies under subsection (b) for that year but with such proportionate amount for any of those other State educational agencies being reduced to the extent it exceeds the sum the Secretary estimates that the State educational agency needs and will be able to use for that year, and the total of those reductions shall be similarly reallotted among the State educational agencies whose proportionate amounts were not so reduced. Any amounts reallotted to a State educational agency under this subsection during a year shall be deemed a part of the State educational agency's allotment under subsection (b) for that year.

"(d) DEFINITION.—For the purposes of this part the term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

"(e) DATA.—The number of children aged 5 to 17, inclusive, in the State and in all States shall be determined by the Secretary on the basis of the most recent satisfactory data available to the Secretary.

"SEC. 3505. STATE APPLICATION.

"(a) APPLICATION.—Each State educational agency desiring to receive an allotment under this part shall file an application with the Secretary which covers a period of 5 fiscal years. Such application shall be filed at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

"(b) CONTENTS OF APPLICATION.—Each application described in subsection (a) shall—

"(1) provide assurances that—

"(A) the State educational agency shall use the allotment provided under this part to award grants to local educational agencies within the State to enable such local educational agencies to provide assistance to schools served by such agency to carry out the purpose of this part;

"(B) the State educational agency will provide such fiscal control and funds accounting as the Secretary may require;

"(C) every public elementary school in the State is eligible to receive assistance under this part once over the 5-year duration of the program assisted under this part;

"(D) funds provided under this part will supplement, not supplant, State and local funds made available for activities authorized under this part;

"(E) during the 5-year period described in the application, the State educational agency will evaluate its standards and programs for teacher preparation and inservice professional development for elementary mathematics and science;

"(F) the State educational agency will take into account the needs for greater access to and participation in mathematics and science by students and teachers from historically underrepresented groups, including females, minorities, individuals with limited English proficiency, the economically disadvantaged, and individuals with disabilities; and

"(G) that the needs of teachers and students in areas with high concentrations of low-income students and sparsely populated areas will be given priority in awarding assistance under this part;

"(2) provide, if appropriate, a description of how funds paid under this part will be coordinated with State and local funds and other Federal resources, particularly with respect to programs for the professional development and inservice training of elementary school teachers in science and mathematics; and

"(3) describe procedures—

"(A) for submitting applications for programs described in section 3506 for distribution of assistance under this part within the State; and

"(B) for approval of applications by the State educational agency, including appropriate procedures to assure that such agency will not disapprove an application without notice and opportunity for a hearing.

"(c) STATE ADMINISTRATION.—Not more than 5 percent of the funds allotted to each State educational agency under this part shall be used for the administrative costs of such agency associated with carrying out the program assisted under this part.

"SEC. 3506. LOCAL APPLICATION.

"(a) APPLICATION.—A local educational agency that desires to receive a grant under this part shall submit an application to the State educational agency. Each such application shall contain assurances that each school served by the local educational agency shall be eligible for assistance under this part only once.

"(b) CONTENTS OF APPLICATION.—Each application described in subsection (a) shall—

"(1) describe how the local educational agency plans to set priorities on the use and distribution among schools of grant funds received under this part to meet the purpose of this part;

"(2) include assurances that the local educational agency has made every effort to match on a dollar-for-dollar basis from private or public sources the funds received under this part, except that no such application shall be penalized or denied assistance under this part based on failure to provide such matching funds;

"(3) describe, if applicable, how funds under this part will be coordinated with State, local, and other Federal resources, especially with respect to programs for the professional development and inservice training of elementary school teachers in science and mathematics; and

"(4) describe the process which will be used to determine different levels of assistance to be awarded to schools with different needs.

"(c) PRIORITY.—In awarding grants under this part, the State educational agency shall give priority to applications that—

"(1) assign highest priority to providing assistance to schools which—

"(A) are most seriously underequipped; or

"(B) serve large numbers or percentages of economically disadvantaged students;

"(2) are attentive to the needs of underrepresented groups in science and mathematics;

"(3) demonstrate how science and mathematics equipment will be part of a comprehensive plan of curriculum planning or implementation and teacher training supporting hands-on laboratory activities; and

"(4) assign priority to providing equipment and materials for students in grades 1 through 6.

"SEC. 3507. PROGRAM REQUIREMENTS.

"(a) COORDINATION.—Each State educational agency receiving an allotment under this part shall—

"(1) disseminate information to school districts and schools, including private nonprofit elementary schools, regarding the program assisted under this part;

"(2) evaluate applications of local educational agencies;

"(3) award grants to local educational agencies based on the priorities described in section 3506(c); and

"(4) evaluate local educational agencies' end-of-year summaries and submit such evaluation to the Secretary.

"(b) LIMITATIONS ON USE OF FUNDS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), grant funds and matching funds under this part only shall be used to purchase science equipment, science materials, or mathematical manipulative materials and shall not be used for computers, computer peripherals, software, textbooks, or staff development costs.

"(2) CAPITAL IMPROVEMENTS.—Grant funds under this part may not be used for capital improvements. Not more than 50 percent of any matching funds provided by the local educational agency may be used for capital improvements of classroom science facilities to support the hands-on instruction that *this part is intended to support, such as the installation of electrical outlets, plumbing, lab tables or counters, or ventilation mechanisms.*

"SEC. 3508. FEDERAL ADMINISTRATION.

"(a) TECHNICAL ASSISTANCE AND EVALUATION PROCEDURES.—The Secretary shall provide technical assistance and, in consultation with State and local representatives of the program assisted under this part, shall develop procedures for State and local evaluations of the programs assisted under this part.

"(b) REPORT.—The Secretary shall report to the Congress each year on the program assisted under this part in accordance with section 10701.

"SEC. 3509. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated $30,000,000 for fiscal year 1995, and such sums as may be necessary for each of the four succeeding fiscal years, to carry out this part.

"PART F—ELEMENTARY AND SECONDARY SCHOOL LIBRARY MEDIA RESOURCES PROGRAM

"SEC. 3601. PROGRAM AUTHORIZED.

"The Secretary shall award grants or make allocations in accordance with section 3602 for the acquisition of school library media resources for the use of students, library media specialists, and teachers in elementary and secondary schools in accordance with this part.

"SEC. 3602. ALLOCATION TO STATES.

"(a) From the amount appropriated pursuant to section 3605 in each fiscal year, the Secretary shall award funds to each State having an approved plan under section 3603 as follows:

"(1) AMOUNTS BELOW $50,000,000.—If the amount made available under subsection (a) for a fiscal year is less than $50,000,000, then the Secretary shall award grants to States, on a competitive basis, taking into account such factors as age and condition of existing school library media collections and the relative economic need of the students to be served.

"(2) AMOUNTS EQUAL TO OR EXCEEDING $50,000,000.—If the amount made available under subsection (a) for a fiscal year equals or exceeds $50,000,000, then the Secretary shall allocate to each State an amount which bears the same relationship to such amount as the amount such State received under title II for such year bears to the amount all States received under such title for such year.

"SEC. 3603. STATE PLANS.

"(a) IN GENERAL.—In order for a State to receive a grant or an allocation of funds under this part for any fiscal year, such State shall have in effect for such fiscal year a State plan. Such plan shall—

"(1) designate the State educational agency as the State agency responsible for the administration of the program assisted under this part;

"(2) set forth a program under which funds paid to the State in accordance with section 3602 will be expended solely for—

"(A) acquisition of school library media resources, including books and foreign language resources, for the use of students, school library media specialists, and teachers in elementary and secondary schools in the United States; and

"(B) administration of the State plan, including development and revision of standards, relating to school library media resources, except that the amount used for administration of the State plan in any fiscal year shall not exceed three percent of the amount available to such State under section 3602 for such fiscal year; and

"(3) set forth criteria to be used in allotting funds for school library media resources among the local educational agencies of the State, which allotment shall take into consideration the relative need of the students, school media specialists, and teachers to be served.

"(b) PLAN SUBMISSION.—The State plan may be submitted as part of a consolidated application under section 14302.

"SEC. 3604. DISTRIBUTION OF ALLOCATION TO LOCAL EDUCATIONAL AGENCIES.

"From the funds allocated to a State under section 3602(2) in each fiscal year, such State shall distribute not less than 97 percent of such funds in such year to local educational agencies within such State according to the relative enrollment of students in elementary and secondary schools within the school districts of such State, adjusted to provide higher per pupil allotments to local educational agencies that have the greatest number or percentages of students whose education imposes a higher than average cost per child, such as those students—

"(1) living in areas with high concentrations of low-income families;

"(2) from low-income families; and

"(3) living in sparsely populated areas.

"SEC. 3605. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this part $200,000,000 for fiscal year 1995 and such sums as may be necessary for each of the four succeeding fiscal years.

"TITLE IV—SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES

"SEC. 4001. SHORT TITLE.

"This title may be cited as the 'Safe and Drug-Free Schools and Communities Act of 1994'.

"SEC. 4002. FINDINGS.

"The Congress finds as follows:

"(1) The seventh National Education Goal provides that by the year 2000, all schools in America will be free of drugs and violence and the unauthorized presence of firearms and alcohol,

and offer a disciplined environment that is conducive to learning.

"(2) The widespread illegal use of alcohol and other drugs among the Nation's secondary school students, and increasingly by students in elementary schools as well, constitutes a grave threat to such students' physical and mental well-being, and significantly impedes the learning process. For example, data show that students who drink tend to receive lower grades and are more likely to miss school because of illness than students who do not drink.

"(3) Our Nation's schools and communities are increasingly plagued by violence and crime. Approximately 3,000,000 thefts and violent crimes occur in or near our Nation's schools every year, the equivalent of more than 16,000 incidents per school day.

"(4) Violence that is linked to prejudice and intolerance victimizes entire communities leading to more violence and discrimination.

"(5) The tragic consequences of violence and the illegal use of alcohol and drugs by students are felt not only by students and such students' families, but by such students' communities and the Nation, which can ill afford to lose such students' skills, talents, and vitality.

"(6) While use of illegal drugs is a serious problem among a minority of teenagers, alcohol use is far more widespread. The proportion of high school students using alcohol, though lower than a decade ago, remains unacceptably high. By the 8th grade, 70 percent of youth report having tried alcohol and by the 12th grade, about 88 percent have used alcohol. Alcohol use by young people can and does have adverse consequences for users, their families, communities, schools, and colleges.

"(7) Alcohol and tobacco are widely used by young people. Such use can, and does, have adverse consequences for young people, their families, communities, schools, and colleges. Drug prevention programs for youth that address only controlled drugs send an erroneous message that alcohol and tobacco do not present significant problems, or that society is willing to overlook their use. To be credible, messages opposing illegal drug use by youth should address alcohol and tobacco as well.

"(8) Every day approximately 3,000 children start smoking. Thirty percent of all secondary school seniors are smokers. Half of all new smokers begin smoking before the age of 14, 90 percent of such smokers begin before the age of 21, and the average age of the first use of smokeless tobacco is under the age of 10. Use of tobacco products has been linked to serious health problems. Drug education and prevention programs that include tobacco have been effective in reducing teenage use of tobacco.

"(9) Drug and violence prevention programs are essential components of a comprehensive strategy to promote school safety and to reduce the demand for and use of drugs throughout the Nation. Schools and local organizations in communities throughout the Nation have a special responsibility to work together to combat the growing epidemic of violence and illegal

drug use and should measure the success of their programs against clearly defined goals and objectives.

"(10) Students must take greater responsibility for their own well-being, health, and safety if schools and communities are to achieve the goals of providing a safe, disciplined, and drug-free learning environment.

"SEC. 4003. PURPOSE.

"The purpose of this title is to support programs to meet the seventh National Education Goal by preventing violence in and around schools and by strengthening programs that prevent the illegal use of alcohol, tobacco, and drugs, involve parents, and are coordinated with related Federal, State, and community efforts and resources, through the provision of Federal assistance to—

"(1) States for grants to local educational agencies and educational service agencies and consortia of such agencies to establish, operate, and improve local programs of school drug and violence prevention, early intervention, rehabilitation referral, and education in elementary and secondary schools (including intermediate and junior high schools);

"(2) States for grants to, and contracts with, community-based organizations and other public and private nonprofit agencies and organizations for programs of drug and violence prevention, early intervention, rehabilitation referral, and education;

"(3) States for development, training, technical assistance, and coordination activities;

"(4) public and private nonprofit organizations to conduct training, demonstrations, and evaluation, and to provide supplementary services for the prevention of drug use and violence among students and youth; and

"(5) institutions of higher education to establish, operate, expand, and improve programs of school drug and violence prevention, education, and rehabilitation referral for students enrolled in colleges and universities.

"SEC. 4004. FUNDING.

"There are authorized to be appropriated—

"(1) $630,000,000 for fiscal year 1995, and such sums as may be necessary for each of the four succeeding fiscal years, for State grants under subpart 1; and

"(2) $25,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, for national programs under subpart 2.

“PART A—STATE GRANTS FOR DRUG AND VIOLENCE PREVENTION PROGRAMS

“Subpart 1—State Grants for Drug and Violence Prevention Programs

“SEC. 4011. RESERVATIONS AND ALLOTMENTS.

“(a) RESERVATIONS.—From the amount made available under section 4004(a) to carry out this subpart for each fiscal year, the Secretary—

“(1) shall reserve 1 percent of such amount for grants under this subpart to Guam, American Samoa, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands, to be allotted in accordance with the Secretary's determination of their respective needs;

“(2) shall reserve 1 percent of such amount for the Secretary of the Interior to carry out programs under this part for Indian youth;

“(3) may reserve not more than $1,000,000 for the national impact evaluation required by section 4117(a); and

“(4) shall reserve 0.2 percent of such amount for programs for Native Hawaiians under section 4118.

“(b) STATE ALLOTMENTS.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall, for each fiscal year, allocate among the States—

“(A) one-half of the remainder not reserved under subsection (a) according to the ratio between the school-aged population of each State and the school-aged population of all the States; and

“(B) one-half of such remainder according to the ratio between the amount each State received under part A of title I for the preceding year (or, for fiscal year 1995 only, sections 1005 and 1006 of this Act as such sections were in existence on the day preceding the date of enactment of the Improving America's Schools Act of 1994) and the sum of such amounts received by all the States.

“(2) MINIMUM.—For any fiscal year, no State shall be allotted under this subsection an amount that is less than one-half of 1 percent of the total amount allotted to all the States under this subsection.

“(3) REALLOTMENT.—The Secretary may reallot any amount of any allotment to a State if the Secretary determines that the State will be unable to use such amount within two years of such allotment. Such reallotments shall be made on the same basis as allotments are made under paragraph (1).

“(4) DEFINITIONS.—For the purpose of this subsection—

“(A) the term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico; and

“(B) the term 'local educational agency' includes educational service agencies and consortia of such agencies.

"SEC. 4112. STATE APPLICATIONS.

"(a) IN GENERAL.—In order to receive an allotment under section 4111 for any fiscal year, a State shall submit to the Secretary, at such time as the Secretary may require, an application that—

"(1) describes how funds under this subpart will be coordinated with programs under this Act, the Goals 2000: Educate America Act, and other Acts, as appropriate, in accordance with the provisions of section 14306;

"(2) contains the results of the State's needs assessment for drug and violence prevention programs, which shall be based on the results of ongoing State evaluation activities, including data on the prevalence of drug use and violence by youth in schools and communities;

"(3) contains assurances that the sections of the application concerning the funds provided to the chief executive officer and the State educational agency were developed separately by such officer or agency, respectively, but in consultation and coordination with appropriate State officials and others, including the chief State school officer, the chief executive officer, the head of the State alcohol and drug abuse agency, the heads of the State health and mental health agencies, the head of the State criminal justice planning agency, the head of the State child welfare agency, the head of the State board of education, or their designees, and representatives of parents, students, and community-based organizations;

"(4) contains an assurance that the State will cooperate with, and assist, the Secretary in conducting a national impact evaluation of programs required by section 4117(a); and

"(5) includes any other information the Secretary may require.

"(b) STATE EDUCATIONAL AGENCY FUNDS.—A State's application under this section shall also contain a comprehensive plan for the use of funds under section 4113(a) by the State educational agency that includes—

"(1) a statement of the State educational agency's measurable goals and objectives for drug and violence prevention and a description of the procedures such agency will use for assessing and publicly reporting progress toward meeting those goals and objectives;

"(2) a plan for monitoring the implementation of, and providing technical assistance regarding, the drug and violence prevention programs conducted by local educational agencies in accordance with section 4116;

"(3) a description of how the State educational agency will use funds under section 4113(b);

"(4) a description of how the State educational agency will coordinate such agency's activities under this subpart with the chief executive officer's drug and violence prevention programs under this subpart and with the prevention efforts of other State agencies;

"(5) an explanation of the criteria the State educational agency will use to identify which local educational agencies receive supplemental funds under section 4113(d)(2)(A)(ii) and

how the supplemental funds will be allocated among such local educational agencies; and

"(6) a description of the procedures the State educational agency will use to review applications from local educational agencies under section 4115.

"(c) GOVERNOR'S FUNDS.—A State's application under this section shall also contain a comprehensive plan for the use of funds under section 4114(a) by the chief executive officer that includes—

"(1) a statement of the chief executive officer's measurable goals and objectives for drug and violence prevention and a description of the procedures to be used for assessing and publicly reporting progress toward meeting such goals and objectives;

"(2) a description of how the chief executive officer will coordinate such officer's activities under this part with the State educational agency and other State agencies and organizations involved with drug and violence prevention efforts;

"(3) a description of how funds reserved under section 4114(a) will be used so as not to duplicate the efforts of the State educational agency and local educational agencies with regard to the provision of school-based prevention efforts and services and how those funds will be used to serve populations not normally served by the State educational agency, such as school dropouts and youth in detention centers;

"(4) a description of how the chief executive officer will award funds under section 4114(a) and a plan for monitoring the performance of, and providing technical assistance to, recipients of such funds;

"(5) a description of the special outreach activities that will be carried out to maximize the participation of community-based organizations of demonstrated effectiveness which provide services in low-income communities; and

"(6) a description of how funds will be used to support community-wide comprehensive drug and violence prevention planning.

"(d) PEER REVIEW.—The Secretary shall use a peer review process in reviewing State applications under this section.

"(e) INTERIM APPLICATION.—Notwithstanding any other provisions of this section, a State may submit for fiscal year 1995 a one-year interim application and plan for the use of funds under this subpart that are consistent with the requirements of this section and contain such information as the Secretary may specify in regulations. The purpose of such interim application and plan shall be to afford the State the opportunity to fully develop and review such State's application and comprehensive plan otherwise required by this section. A State may not receive a grant under this subpart for a fiscal year subsequent to fiscal year 1995 unless the Secretary has approved such State's application and comprehensive plan in accordance with this subpart.

"SEC. 4113. STATE AND LOCAL EDUCATIONAL AGENCY PROGRAMS.

"(a) USE OF FUNDS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), an amount equal to 80 percent of the total amount allocated to a State under section 4111 for each fiscal year shall be used by the State educational agency and its local educational agencies

for drug and violence prevention activities in accordance with this section.

"(2) EXCEPTION.*—(A) If a State has, on or before January 1, 1994, established an independent State agency for the purpose of administering all of the funds described in section 5121 of this Act (as such section was in effect on the day preceding the date of the enactment of the Improving America's Schools Act of 1994), then—*

"(i) an amount equal to 80 percent of the total amount allocated to such State under section 4111 for each fiscal year shall be used by the State educational agency and its local educational agencies for drug and violence prevention activities in accordance with this section; and

"(ii) an amount equal to 20 percent of such total amount shall be used by such independent State agency for drug and violence prevention activities in accordance with this section.

"(B) Not more than 5 percent of the amount reserved under subparagraph (A)(ii) may be used for administrative costs of the independent State agency incurred in carrying out the activities described in such subparagraph.

"(C) For purposes of this paragraph, the term 'independent State agency' means an independent agency with a board of directors or a cabinet level agency whose chief executive officer is appointed by the chief executive officer of the State and confirmed with the advice and consent of the senate of such State.

"(b) STATE LEVEL PROGRAMS.*—*

"(1) IN GENERAL.*—A State educational agency shall use not more than 5 percent of the amount available under subsection (a) for activities such as—*

"(A) training and technical assistance concerning drug and violence prevention for local educational agencies and educational service agencies, including teachers, administrators, coaches and athletic directors, other staff, parents, students, community leaders, health service providers, local law enforcement officials, and judicial officials;

"(B) the development, identification, dissemination, and evaluation of the most readily available, accurate, and up-to-date curriculum materials (including videotapes, software, and other technology-based learning resources), for consideration by local educational agencies;

"(C) making available to local educational agencies cost effective programs for youth violence and drug abuse prevention;

"(D) demonstration projects in drug and violence prevention;

"(E) training, technical assistance, and demonstration projects to address violence associated with prejudice and intolerance;

"(F) financial assistance to enhance resources available for drug and violence prevention in areas serving large numbers of economically disadvantaged children or sparsely populated areas, or to meet other special needs consistent with the purposes of this subpart; and

"(G) the evaluation of activities carried out within the State under this part.

"(2) SPECIAL RULE.—A State educational agency may carry out activities under this subsection directly, or through grants or contracts.

"(c) STATE ADMINISTRATION.—A State educational agency may use not more than 4 percent of the amount reserved under subsection (a) for the administrative costs of carrying out its responsibilities under this part.

"(d) LOCAL EDUCATIONAL AGENCY PROGRAMS.—

"(1) IN GENERAL.—A State educational agency shall distribute not less than 91 percent of the amount made available under subsection (a) for each fiscal year to local educational agencies in accordance with this subsection.

"(2) DISTRIBUTION.—(A) Of the amount distributed under paragraph (1), a State educational agency shall distribute—

"(i) 70 percent of such amount to local educational agencies, based on the relative enrollments in public and private nonprofit elementary and secondary schools within the boundaries of such agencies; and

"(ii) 30 percent of such amount to local educational agencies that the State educational agency determines have the greatest need for additional funds to carry out drug and violence prevention programs authorized by this subpart.

"(B) Where appropriate and to the extent consistent with the needs assessment conducted by the State, not less than 25 percent of the amount distributed under subparagraph (A)(ii) for a fiscal year shall be distributed to local educational agencies located in rural and urban areas.

"(C)(i) A State educational agency shall distribute funds under subparagraph (A)(ii) to not more than 10 percent of the local educational agencies in the State, or five such agencies, whichever is greater.

"(ii) In determining which local educational agencies have the greatest need for additional funds, the State educational agency shall consider objective data such as—

"(I) high rates of alcohol or drug use among youth;

"(II) high rates of victimization of youth by violence and crime;

"(III) high rates of arrests and convictions of youth for violent or drug- or alcohol-related crime;

"(IV) the extent of illegal gang activity;

"(V) high incidence of violence associated with prejudice and intolerance;

"(VI) high rates of referrals of youths to drug and alcohol abuse treatment and rehabilitation programs;

"(VII) high rates of referrals of youths to juvenile court;

"(VIII) high rates of expulsions and suspensions of students from schools; and

"(IX) high rates of reported cases of child abuse and domestic violence.

"(e) REALLOCATION OF FUNDS.—If a local educational agency chooses not to apply to receive the amount allocated to such agency

under subsection (d), or if such agency's application under section 4115 is disapproved by the State educational agency, the State educational agency shall reallocate such amount to one or more of the local educational agencies determined by the State educational agency under subsection (d)(2)(C)(ii) to have the greatest need for additional funds.

"(f) RETURN OF FUNDS TO STATE EDUCATIONAL AGENCY; REALLOCATION.—

"(1) RETURN.—Except as provided in paragraph (2), upon the expiration of the 1-year period beginning on the date that a local educational agency or educational service agency under this title receives its allocation under this title—

"(A) such agency shall return to the State educational agency any funds from such allocation that remain unobligated; and

"(B) the State educational agency shall reallocate any such amount to local educational agencies or educational service agencies that have plans for using such amount for programs or activities on a timely basis.

"(2) REALLOCATION.—In any fiscal year, a local educational agency, may retain for obligation in the succeeding fiscal year—

"(A) an amount equal to not more than 25 percent of the allocation it receives under this title for such fiscal year; or

"(B) upon a demonstration of good cause by such agency or consortium, a greater amount approved by the State educational agency.

"SEC. 4114. GOVERNOR'S PROGRAMS.

"(a) USE OF FUNDS.—

"(1) IN GENERAL.—An amount equal to 20 percent of the total amount allocated to a State under section 4111(1) for each fiscal year shall be used by the chief executive officer of such State for drug and violence prevention programs and activities in accordance with this section.

"(2) LAW ENFORCEMENT EDUCATION PARTNERSHIPS.—A chief executive officer shall use not less than 10 percent of the 20 percent of the total amount described in paragraph (1) for each fiscal year for law enforcement education partnerships in accordance with subsection (d).

"(3) ADMINISTRATIVE COSTS.—A chief executive officer may use not more than 5 percent of the 20 percent of the total amount described in paragraph (1) for the administrative costs incurred in carrying out the duties of such officer under this section.

"(b) PROGRAMS AUTHORIZED.—

"(1) IN GENERAL.—A chief executive officer shall use funds made available under subsection (a)(1) for grants to or contracts with parent groups, community action and job training agencies, community-based organizations, and other public entities and private nonprofit organizations and consortia thereof. In making such grants and contracts, a chief executive officer shall give priority to programs and activities described in subsection (c) for—

"(A) children and youth who are not normally served by State or local educational agencies; or

"(B) populations that need special services or additional resources (such as preschoolers, youth in juvenile detention facilities, runaway or homeless children and youth, pregnant and parenting teenagers, and school dropouts).

"(2) PEER REVIEW.—Grants or contracts awarded under this subsection shall be subject to a peer review process.

"(c) AUTHORIZED ACTIVITIES.—Grants and contracts under subsection (b) shall be used for programs and activities such as—

"(1) disseminating information about drug and violence prevention;

"(2) training parents, law enforcement officials, judicial officials, social service providers, health service providers and community leaders about drug and violence prevention, comprehensive health education, early intervention, pupil services, or rehabilitation referral;

"(3) developing and implementing comprehensive, community-based drug and violence prevention programs that link community resources with schools and integrate services involving education, vocational and job skills training and placement, law enforcement, health, mental health, community service, mentoring, and other appropriate services;

"(4) planning and implementing drug and violence prevention activities that coordinate the efforts of State agencies with efforts of the State educational agency and its local educational agencies;

"(5) activities to protect students traveling to and from school;

"(6) before-and-after school recreational, instructional, cultural, and artistic programs that encourage drug- and violence-free lifestyles;

"(7) activities that promote the awareness of and sensitivity to alternatives to violence through courses of study that include related issues of intolerance and hatred in history;

"(8) developing and implementing activities to prevent and reduce violence associated with prejudice and intolerance;

"(9) developing and implementing strategies to prevent illegal gang activity;

"(10) coordinating and conducting community-wide violence and safety assessments and surveys;

"(11) service-learning projects that encourage drug- and violence-free lifestyles; and

"(12) evaluating programs and activities assisted under this section.

"(d) LAW ENFORCEMENT EDUCATION PARTNERSHIPS.—A chief executive officer shall use funds under subsection (a)(2) to award grants to State, county or local law enforcement agencies (including district attorneys) in consortium with local educational agencies or community-based agencies for the purposes of carrying out drug abuse and violence prevention activities, such as—

"(1) Project Drug Abuse Resistance Education and other programs which provide classroom instruction by uniformed law enforcement officials that is designed to teach students to *recognize and resist pressures to experiment that influence such children to use controlled substances or alcohol;*

"(2) Project Legal Lives and other programs in which district attorneys provide classroom instruction in the law and legal system which emphasizes interactive learning techniques, such as mock trial competitions;

"(3) partnerships between law enforcement and child guidance professionals; and

"(4) before- and after-school activities.

"SEC. 4115. LOCAL APPLICATIONS.

"(a) APPLICATION REQUIRED.—

"(1) IN GENERAL.—In order to be eligible to receive a distribution under section 4113(d) for any fiscal year, a local educational agency shall submit, at such time as the State educational agency requires, an application to the State educational agency for approval. Such an application shall be amended, as necessary, to reflect changes in the local educational agency's program.

"(2) DEVELOPMENT.—(A) A local educational agency shall develop its application under subsection (a)(1) in consultation with a local or substate regional advisory council that includes, to the extent possible, representatives of local government, business, parents, students, teachers, pupil services personnel, appropriate State agencies, private schools, the medical profession, law enforcement, community-based organizations, and other groups with interest and expertise in drug and violence prevention.

"(B) In addition to assisting the local educational agency to develop an application under this section, the advisory council established or designated under subparagraph (A) shall, on an ongoing basis—

"(i) disseminate information about drug and violence prevention programs, projects, and activities conducted within the boundaries of the local educational agency;

"(ii) advise the local educational agency regarding—

"(I) how best to coordinate such agency's activities under this subpart with other related programs, projects, and activities; and

"(II) the agencies that administer such programs, projects, and activities; and

"(iii) review program evaluations and other relevant material and make recommendations to the local educational agency on how to improve such agency's drug and violence prevention programs.

"(b) CONTENTS OF APPLICATIONS.—An application under this section shall contain—

"(1) an objective analysis of the current use (and consequences of such use) of alcohol, tobacco, and controlled, illegal, addictive or harmful substances as well as the violence, safety, and discipline problems among students who attend the schools of the applicant (including private school students who participate in the applicant's drug and violence prevention program) that is based on ongoing local assessment or evaluation activities;

"(2) a detailed explanation of the local educational agency's comprehensive plan for drug and violence prevention, which shall include a description of—

"(A) how the plan will be coordinated with programs under this Act, the Goals 2000: Educate America Act, and other Acts, as appropriate, in accordance with the provisions of section 14306;

"(B) the local educational agency's measurable goals for drug and violence prevention, and a description of how such agency will assess and publicly report progress toward attaining these goals;

"(C) how the local educational agency will use its distribution under this subpart;

"(D) how the local educational agency will coordinate such agency's programs and projects with community-wide efforts to achieve such agency's goals for drug and violence prevention; and

"(E) how the local educational agency will coordinate such agency's programs and projects with other Federal, State, and local programs for drug-abuse prevention, including health programs; and

"(3) such other information and assurances as the State educational agency may reasonably require.

"(c) REVIEW OF APPLICATION.—

"(1) IN GENERAL.—In reviewing local applications under this section, a State educational agency shall use a peer review process or other methods of assuring the quality of such applications.

"(2) CONSIDERATIONS.—(A) In determining whether to approve the application of a local educational agency under this section, a State educational agency shall consider the quality of the local educational agency's comprehensive plan under subsection (b)(2) and the extent to which such plan is coordinated with programs under this Act, the Goals 2000: Educate America Act, in accordance with the provisions of section 14306.

"(B) A State educational agency may disapprove a local educational agency application under this section in whole or in part and may withhold, limit, or place restrictions on the use of funds allotted to such a local educational agency in a manner the State educational agency determines will best promote the purposes of this part, except that a local educational agency shall be afforded an opportunity to appeal any such disapproval.

"SEC. 4116. LOCAL DRUG AND VIOLENCE PREVENTION PROGRAMS.

"(a) PROGRAM REQUIREMENTS.—A local educational agency shall use funds received under this subpart to adopt and carry out a comprehensive drug and violence prevention program which shall—

"(1) be designed, for all students and employees, to—

"(A) prevent the use, possession, and distribution of tobacco, alcohol, and illegal drugs by students and to prevent the illegal use, possession, and distribution of such substances by employees;

"(B) prevent violence and promote school safety; and

"(C) create a disciplined environment conducive to learning; and

"(2) include activities to promote the involvement of parents and coordination with community groups and agencies, including the distribution of information about the local educational agency's needs, goals, and programs under this subpart.

"(b) AUTHORIZED ACTIVITIES.*—A comprehensive drug and violence prevention program carried out under this subpart may include—*

"(1) age-appropriate, developmentally based drug prevention and education programs for all students, from the preschool level through grade 12, that address the legal, social, personal and health consequences of the use of illegal drugs, promote a sense of individual responsibility, and provide information about effective techniques for resisting peer pressure to use illegal drugs;

"(2) programs of drug prevention, comprehensive health education, early intervention, pupil services, mentoring, or rehabilitation referral, which emphasize students' sense of individual responsibility and which may include—

"(A) the dissemination of information about drug prevention;

"(B) the professional development of school personnel, parents, students, law enforcement officials, judicial officials, health service providers and community leaders in prevention, education, early intervention, pupil services or rehabilitation referral; and

"(C) the implementation of strategies, including strategies to integrate the delivery of services from a variety of providers, to combat illegal alcohol, tobacco and drug use, such as—

"(i) family counseling;

"(ii) early intervention activities that prevent family dysfunction, enhance school performance, and boost attachment to school and family; and

"(iii) activities, such as community service and service-learning projects, that are designed to increase students' sense of community;

"(3) age-appropriate, developmentally based violence prevention and education programs for all students, from the preschool level through grade 12, that address the legal, health, personal, and social consequences of violent and disruptive behavior, including sexual harassment and abuse, and victimization associated with prejudice and intolerance, and that include activities designed to help students develop a sense of individual responsibility and respect for the rights of others, and to resolve conflicts without violence;

"(4) violence prevention programs for school-aged youth, which emphasize students' sense of individual responsibility and may include—

"(A) the dissemination of information about school safety and discipline;

"(B) the professional development of school personnel, parents, students, law enforcement officials, judicial officials, and community leaders in designing and implementing strategies to prevent school violence;

"(C) the implementation of strategies, such as conflict resolution and peer mediation, student outreach efforts against violence, anti-crime youth councils (which work with school and community-based organizations to discuss and develop crime prevention strategies), and the use of mentoring programs, to combat school violence and other forms of disruptive behavior, such as sexual harassment and abuse; and

"(D) the development and implementation of character education programs, as a component of a comprehensive drug or violence prevention program, that are tailored by communities, parents and schools; and

"(E) comprehensive, community-wide strategies to prevent or reduce illegal gang activities;

"(5) supporting 'safe zones of passage' for students between home and school through such measures as Drug- and Weapon-Free School Zones, enhanced law enforcement, and neighborhood patrols;

"(6) acquiring and installing metal detectors and hiring security personnel;

"(7) professional development for teachers and other staff and curricula that promote the awareness of and sensitivity to alternatives to violence through courses of study that include related issues of intolerance and hatred in history;

"(8) the promotion of before-and-after school recreational, instructional, cultural, and artistic programs in supervised community settings;

"(9) drug abuse resistance education programs, designed to teach students to recognize and resist pressures to use alcohol or other drugs, which may include activities such as classroom instruction by uniformed law enforcement officers, resistance techniques, resistance to peer pressure and gang pressure, and provision for parental involvement; and

"(10) the evaluation of any of the activities authorized under this subsection.

"(c) LIMITATIONS.—

"(1) IN GENERAL.—Not more than 20 percent of the funds made available to a local educational agency under this subpart may be used to carry out the activities described in paragraphs (5) and (6) of subsection (b).

"(2) SPECIAL RULE.—A local educational agency shall only be able to use funds received under this subpart for activities described in paragraphs (5) and (6) of subsection (b) if funding for such activities is not received from other Federal agencies.

"(d) ADMINISTRATIVE PROVISIONS.—Notwithstanding any other provisions of law, any funds expended prior to July 1, 1995, under part B of the Drug-Free Schools and Communities Act of 1986 (as in effect prior to enactment of the Improving America's Schools Act) for the support of a comprehensive school health program shall be deemed to have been authorized by part B of such Act.

"SEC. 4117. EVALUATION AND REPORTING.

"(a) National Impact Evaluation.—

"(1) Biennial evaluation.—The Secretary, in consultation with the Secretary of Health and Human Services, the Director of the Office of National Drug Control Policy, and the Attorney General, shall conduct an independent biennial evaluation of the national impact of programs assisted under this subpart and of other recent and new initiatives to combat violence in schools and submit a report of the findings of such evaluation to the President and the Congress.

"(2) Data collection.—(A) The National Center for Education Statistics shall collect data to determine the frequency, seriousness, and incidence of violence in elementary and secondary schools in the States. The Secretary shall collect the data using, wherever appropriate, data submitted by the States pursuant to subsection (b)(2)(B).

"(B) Not later than January 1, 1998, the Secretary shall submit to the Congress a report on the data collected under this subsection, together with such recommendations as the Secretary determines appropriate, including estimated costs for implementing any recommendation.

"(b) State Report.—

"(1) In general.—By October 1, 1997, and every third year thereafter, the chief executive officer of the State, in cooperation with the State educational agency, shall submit to the Secretary a report—

"(A) on the implementation and outcomes of State programs under section 4114 and section 4113(b) and local educational agency programs under section 4113(d), as well as an assessment of their effectiveness; and

"(B) on the State's progress toward attaining its goals for drug and violence prevention under subsections (b)(1) and (c)(1) of section 4112.

"(2) Special rule.—The report required by this subsection shall be—

"(A) in the form specified by the Secretary;

"(B) based on the State's ongoing evaluation activities, and shall include data on the prevalence of drug use and violence by youth in schools and communities; and

"(C) made readily available to the public.

"(c) Local Educational Agency Report.—Each local educational agency receiving funds under this subpart shall submit to the State educational agency such information, and at such intervals, that the State requires to complete the State report required by subsection (b), including information on the prevalence of drug use and violence by youth in the schools and the community. Such information shall be made readily available to the public.

"SEC. 4118. PROGRAMS FOR NATIVE HAWAIIANS.

"(a) General Authority.—From the funds made available pursuant to section 4111(a)(4) to carry out this section, the Secretary shall make grants to or enter into cooperative agreements or contracts with organizations primarily serving and representing Native Hawaiians which are recognized by the Governor of the State of Hawaii to plan, conduct, and administer programs, or portions thereof,

which are authorized by and consistent with the provisions of this title for the benefit of Native Hawaiians.

"(b) DEFINITION OF NATIVE HAWAIIAN.—For the purposes of this section, the term 'Native Hawaiian' means any individual any of whose ancestors were natives, prior to 1778, of the area which now comprises the State of Hawaii.

"Subpart 2—National Programs

"SEC. 4121. FEDERAL ACTIVITIES.

"(a) PROGRAM AUTHORIZED.—From funds made available to carry out this subpart under section 4004(2), the Secretary, in consultation with the Secretary of Health and Human Services, the Director of the Office of National Drug Control Policy, the Chair of the Ounce of Prevention Council, and the Attorney General, shall carry out programs to prevent the illegal use of drugs and violence among, and promote safety and discipline for, students at all educational levels from preschool through the postsecondary level. The Secretary shall carry out such programs directly, or through grants, contracts, or cooperative agreements with public and private nonprofit organizations and individuals, or through agreements with other Federal agencies, and shall coordinate such programs with other appropriate Federal activities. Such programs may include—

"(1) the development and demonstration of innovative strategies for training school personnel, parents, and members of the community, including the demonstration of model preservice training programs for prospective school personnel;

"(2) demonstrations and rigorous evaluations of innovative approaches to drug and violence prevention;

"(3) the provision of information on drug abuse education and prevention to the Secretary of Health and Human Services for dissemination by the clearinghouse for alcohol and drug abuse information established under section 501(d)(16) of the Public Health Service Act;

"(4) the development of curricula related to child abuse prevention and education and the training of personnel to teach child abuse education and prevention to elementary and secondary school children;

"(5) program evaluations in accordance with section 14701 that address issues not addressed under section 4117(a);

"(6) direct services to schools and school systems afflicted with especially severe drug and violence problems;

"(7) activities in communities designated as empowerment zones or enterprise communities that will connect schools to community-wide efforts to reduce drug and violence problems;

"(8) developing and disseminating drug and violence prevention materials, including video-based projects and model curricula;

"(9) developing and implementing a comprehensive violence prevention strategy for schools and communities, that may include conflict resolution, peer mediation, the teaching of law and legal concepts, and other activities designed to stop violence;

"(10) the implementation of innovative activities, such as community service projects, designed to rebuild safe and healthy neighborhoods and increase students' sense of individual responsibility;

"(11) grants to noncommercial telecommunications entities for the production and distribution of national video-based projects that provide young people with models for conflict resolution and responsible decisionmaking;

"(12) the development of education and training programs, curricula, instructional materials, and professional training and development for preventing and reducing the incidence of crimes and conflicts motivated by hate in localities most directly affected by hate crimes; and

"(13) other activities that meet unmet national needs related to the purposes of this title.

"(b) Peer Review.—The Secretary shall use a peer review process in reviewing applications for funds under this section.

"SEC. 4122. GRANTS TO INSTITUTIONS OF HIGHER EDUCATION.

"(a) In General.—From funds made available to carry out this subpart under section 4004(2), the Secretary is authorized to make grants to, or enter into contracts with, institutions of higher education, or consortia of such institutions, for drug and violence prevention programs under this section. Awards under this section shall support the development, implementation, validation, and dissemination of—

"(1) model programs and strategies to promote the safety of students attending institutions of higher education by preventing violent behavior and the illegal use of alcohol and other drugs by such students; and

"(2) such model programs and strategies shall be coordinated with the report required under section 204(a)(4)(B) of the Student Right-to-Know and Campus Security Act on policies, procedures and practices which have proven effective in the reduction of campus crime.

"(b) Applications.—An institution of higher education, or consortium of such institutions, that desires to receive an award under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. The Secretary shall use a peer review process for reviewing applications for funds under this section.

"(c) Equitable Participation.—The Secretary shall make every reasonable effort to ensure the equitable participation in the activities assisted under this section of private and public institutions of higher education (including community and junior colleges), institutions of limited enrollment, and institutions in different geographic regions.

"SEC. 4123. HATE CRIME PREVENTION.

"(a) Grant Authorization.—From funds made available to carry out this subpart under section 4004(1) the Secretary may make grants to local educational agencies and community-based organizations for the purpose of providing assistance to localities most directly affected by hate crimes.

"(b) Use of Funds.—

"(1) PROGRAM DEVELOPMENT.—Grants under this section may be used to improve elementary and secondary educational efforts, including—

"(A) development of education and training programs designed to prevent and to reduce the incidence of crimes and conflicts motivated by hate;

"(B) development of curricula for the purpose of improving conflict or dispute resolution skills of students, teachers, and administrators;

"(C) development and acquisition of equipment and instructional materials to meet the needs of, or otherwise be part of, hate crime or conflict programs; and

"(D) professional training and development for teachers and administrators on the causes, effects, and resolutions of hate crimes or hate-based conflicts.

"(2) IN GENERAL.—In order to be eligible to receive a grant under this section for any fiscal year, a local educational agency, or a local educational agency in conjunction with a community-based organization, shall submit an application to the Secretary in such form and containing such information as the office may reasonably require.

"(3) REQUIREMENTS.—Each application under paragraph (2) shall include—

"(A) a request for funds for the purposes described in this section;

"(B) a description of the schools and communities to be served by the grants; and

"(C) assurances that Federal funds received under this section shall be used to supplement, not supplant, non-Federal funds.

"(4) COMPREHENSIVE PLAN.—Each application shall include a comprehensive plan that contains—

"(A) a description of the hate crime or conflict problems within the schools or the community targeted for assistance;

"(B) a description of the program to be developed or augmented by such Federal and matching funds;

"(C) assurances that such program or activity shall be administered by or under the supervision of the applicant;

"(D) proper and efficient administration of such program; and

"(E) fiscal control and fund accounting procedures as may be necessary to ensure prudent use, proper disbursement, and accurate accounting of funds received under this section.

"(c) AWARD OF GRANTS.—

"(1) SELECTION OF RECIPIENTS.—The Secretary shall consider the incidence of crimes and conflicts motivated by bias in the targeted schools and communities in awarding grants under this section.

"(2) GEOGRAPHIC DISTRIBUTION.—The Secretary shall attempt, to the extent practicable, to achieve an equitable geographic distribution of grant awards.

"(3) DISSEMINATION OF INFORMATION.—The Secretary shall attempt, to the extent practicable, to make available information

regarding successful hate crime prevention programs, including programs established or expanded with grants under this section.

"(d) Reports.—The Secretary shall submit to the Congress a report every two years which shall contain a detailed statement regarding grants and awards, activities of grant recipients, and an evaluation of programs established under this section.

"Subpart 3—General Provisions

"*SEC. 4131. DEFINITIONS.*

"For the purposes of this part:

"(1) Community-based organization.—The term 'community-based organization' means a private nonprofit organization which is representative of a community or significant segments of a community and which provides educational or related services to individuals in the community.

"(2) Drug and violence prevention.—The term 'drug and violence prevention' means—

"(A) with respect to drugs, prevention, early intervention, rehabilitation referral, or education related to the illegal use of alcohol and the use of controlled, illegal, addictive, or harmful substances, including inhalants and anabolic steroids;

"(B) prevention, early intervention, smoking cessation activities, or education, related to the use of tobacco by children and youth eligible for services under this title; and

"(C) with respect to violence, the promotion of school safety, such that students and school personnel are free from violent and disruptive acts, including sexual harassment and abuse, and victimization associated with prejudice and intolerance, on school premises, going to and from school, and at school-sponsored activities, through the creation and maintenance of a school environment that is free of weapons and fosters individual responsibility and respect for the rights of others.

"(3) Hate crime.—The term 'hate crime' means a crime as described in section 1(b) of the Hate Crime Statistics Act of 1990.

"(4) Nonprofit.—The term 'nonprofit', as applied to a school, agency, organization, or institution means a school, agency, organization, or institution owned and operated by one or more nonprofit corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

"(5) School-aged population.—The term 'school-aged population' means the population aged five through 17, as determined by the Secretary on the basis of the most recent satisfactory data available from the Department of Commerce.

"(6) School personnel.—The term 'school personnel' includes teachers, administrators, guidance counselors, social workers, psychologists, nurses, librarians, and other support staff who are employed by a school or who perform services for the school on a contractual basis.

"SEC. 4132. MATERIALS.

"(a) 'WRONG AND HARMFUL' MESSAGE.—Drug prevention programs supported under this part shall convey a clear and consistent message that the illegal use of alcohol and other drugs is wrong and harmful.

"(b) CURRICULUM.—The Secretary shall not prescribe the use of specific curricula for programs supported under this part, but may evaluate the effectiveness of such curricula and other strategies in drug and violence prevention.

"SEC. 4133. PROHIBITED USES OF FUNDS.

"No funds under this part may be used for—

"(1) construction (except for minor remodeling needed to accomplish the purposes of this part); and

"(2) medical services, drug treatment or rehabilitation, except for pupil services or referral to treatment for students who are victims of or witnesses to crime or who use alcohol, tobacco, or drugs.".

"TITLE V—PROMOTING EQUITY

"PART A—MAGNET SCHOOLS ASSISTANCE

"SEC. 5101. FINDINGS.

"The Congress finds that—

"(1) magnet schools are a significant part of our Nation's effort to achieve voluntary desegregation in our Nation's schools;

"(2) the use of magnet schools has increased dramatically since the date of enactment of the Magnet Schools Assistance program, with approximately 1,400,000 students nationwide now attending such schools, of which more than 60 percent of the students are nonwhite;

"(3) magnet schools offer a wide range of distinctive programs that have served as models for school improvement efforts;

"(4) in administering the Magnet Schools Assistance program, the Federal Government has learned that—

"(A) where magnet programs are implemented for only a portion of a school's student body, special efforts must be made to discourage the isolation of—

"(i) magnet school students from other students in the school; and

"(ii) students by racial characteristics;

"(B) local educational agencies can maximize their effectiveness in achieving the purposes of the Magnet Schools Assistance program if such agencies have more flexibility in the administration of such program in order to serve students attending a school who are not enrolled in the magnet school program;

"(C) local educational agencies must be creative in designing magnet schools for students at all academic levels, so that school districts do not skim off only the highest achieving students to attend the magnet schools;

"(D) consistent with desegregation guidelines, local educational agencies must seek to enable participation in magnet school programs by students who reside in the neighborhoods where the programs operate; and

"(E) in order to ensure that magnet schools are sustained after Federal funding ends, the Federal Government must assist school districts to improve their capacity to continue to operate magnet schools at a high level of performance; and

"(5) it is in the best interest of the Federal Government to—

"(A) continue the Federal Government's support of school districts implementing court-ordered desegregation plans and school districts seeking to foster meaningful interaction among students of different racial and ethnic backgrounds, beginning at the earliest stage of such students' education;

"(B) ensure that all students have equitable access to quality education that will prepare such students to function well in a culturally diverse, technologically oriented, and highly competitive, global community; and

"(C) maximize the ability of local educational agencies to plan, develop, implement and continue effective and innovative magnet schools that contribute to State and local systemic reform.

"SEC. 5102. STATEMENT OF PURPOSE.

"The purpose of this part is to assist in the desegregation of schools served by local educational agencies by providing financial assistance to eligible local educational agencies for—

"(1) the elimination, reduction, or prevention of minority group isolation in elementary and secondary schools with substantial proportions of minority students;

"(2) the development and implementation of magnet school projects that will assist local educational agencies in achieving systemic reforms and providing all students the opportunity to meet challenging State content standards and challenging State student performance standards;

"(3) the development and design of innovative educational methods and practices; and

"(4) courses of instruction within magnet schools that will substantially strengthen the knowledge of academic subjects and the grasp of tangible and marketable vocational skills of students attending such schools.

"SEC. 5103. PROGRAM AUTHORIZED.

"The Secretary, in accordance with this part, is authorized to make grants to eligible local educational agencies, and consortia of such agencies where appropriate, to carry out the purpose of this part for magnet schools that are—

"(1) part of an approved desegregation plan; and

"(2) designed to bring students from different social, economic, ethnic, and racial backgrounds together.

“SEC. 5104. DEFINITION.

“For the purpose of this part, the term ‘magnet school’ means a public elementary or secondary school or public elementary or secondary education center that offers a special curriculum capable of attracting substantial numbers of students of different racial backgrounds.

“SEC. 5105. ELIGIBILITY.

“A local educational agency, or consortium of such agencies where appropriate, is eligible to receive assistance under this part to carry out the purposes of this part if such agency or consortium—

“(1) is implementing a plan undertaken pursuant to a final order issued by a court of the United States, or a court of any State, or any other State agency or official of competent jurisdiction, that requires the desegregation of minority-group-segregated children or faculty in the elementary and secondary schools of such agency; or

“(2) without having been required to do so, has adopted and is implementing, or will, if assistance is made available to such local educational agency or consortium of such agencies under this part, adopt and implement a plan that has been approved by the Secretary as adequate under title VI of the Civil Rights Act of 1964 for the desegregation of minority-group-segregated children or faculty in such schools.

“SEC. 5106. APPLICATIONS AND REQUIREMENTS.

“(a) Applications.—An eligible local educational agency or consortium of such agencies desiring to receive assistance under this part shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may reasonably require.

“(b) Information and Assurances.—Each such application shall include—

“(1) a description of—

“(A) how assistance made available under this part will be used to promote desegregation, including how the proposed magnet school project will increase interaction among students of different social, economic, ethnic, and racial backgrounds;

“(B) the manner and extent to which the magnet school project will increase student achievement in the instructional area or areas offered by the school;

“(C) how an applicant will continue the magnet school project after assistance under this part is no longer available, including, if applicable, an explanation of why magnet schools established or supported by the applicant with funds under this part cannot be continued without the use of funds under this part;

“(D) how funds under this part will be used to implement services and activities that are consistent with other programs under this Act, the Goals 2000: Educate America Act, and other Acts, as appropriate, in accordance with the provisions of section 14306; and

“(E) the criteria to be used in selecting students to attend the proposed magnet school projects; and

"(2) assurances that the applicant will—

"(A) use funds under this part for the purposes specified in section 5102;

"(B) employ State certified or licensed teachers in the courses of instruction assisted under this part to teach or supervise others who are teaching the subject matter of the courses of instruction;

"(C) not engage in discrimination based on race, religion, color, national origin, sex, or disability in—

"(i) the hiring, promotion, or assignment of employees of the agency or other personnel for whom the agency has any administrative responsibility;

"(ii) the assignment of students to schools, or to courses of instruction within the school, of such agency, except to carry out the approved plan; and

"(iii) designing or operating extracurricular activities for students;

"(D) carry out a high-quality education program that will encourage greater parental decisionmaking and involvement; and

"(E) give students residing in the local attendance area of the proposed magnet school projects equitable consideration for placement in those projects.

"(c) SPECIAL RULE.—No application may be approved under this section unless the Assistant Secretary of Education for Civil Rights determines that the assurances described in subsection (b)(2)(C) will be met.

"SEC. 5107. PRIORITY.

"In approving applications under this part, the Secretary shall give priority to applicants that—

"(1) demonstrate the greatest need for assistance, based on the expense or difficulty of effectively carrying out an approved desegregation plan and the projects for which assistance is sought;

"(2) propose to carry out new magnet school projects, or significantly revise existing magnet school projects;

"(3) propose to select students to attend magnet school projects by methods such as lottery, rather than through academic examination;

"(4) propose to implement innovative educational approaches that are consistent with the State's and local educational agency's approved systemic reform plans, if any, under title III of the Goals 2000: Educate America Act; and

"(5) propose to draw on comprehensive community involvement plans.

"SEC. 5108. USE OF FUNDS.

"(a) IN GENERAL.—Grant funds made available under this part may be used by an eligible local educational agency or consortium of such agencies—

"(1) for planning and promotional activities directly related to the development, expansion, continuation, or enhancement of academic programs and services offered at magnet schools;

"(2) for the acquisition of books, materials, and equipment, including computers and the maintenance and operation thereof, necessary for the conduct of programs in magnet schools;

"(3) for the payment, or subsidization of the compensation, of elementary and secondary school teachers who are certified or licensed by the State, and instructional staff where applicable, who are necessary for the conduct of programs in magnet schools; and

"(4) with respect to a magnet school program offered to less than the entire student population of a school, for instructional activities that—

"(A) are designed to make available the special curriculum that is offered by the magnet school project to students who are enrolled in the school but who are not enrolled in the magnet school program; and

"(B) further the purposes of this part.

"(b) SPECIAL RULE.—Grant funds under this part may be used in accordance with paragraphs (2) and (3) of subsection (a) only if the activities described in such paragraphs are directly related to improving the students' reading skills or knowledge of mathematics, science, history, geography, English, foreign languages, art, or music, or to improving vocational skills.

"SEC. 5109. PROHIBITIONS.

"(a) TRANSPORTATION.—Grants under this part may not be used for transportation or any activity that does not augment academic improvement.

"(b) PLANNING.—A local educational agency shall not expend funds under this part after the third year that such agency receives funds under this part for such project.

"SEC. 5110. LIMITATIONS.

"(a) DURATION OF AWARDS.—A grant under this part shall be awarded for a period that shall not exceed three fiscal years.

"(b) LIMITATION ON PLANNING FUNDS.—A local educational agency may expend for planning not more than 50 percent of the funds received under this part for the first year of the project, 15 percent of such funds for the second such year, and 10 percent of such funds for the third such year.

"(c) AMOUNT.—No local educational agency or consortium awarded a grant under this part shall receive more than $4,000,000 under this part in any one fiscal year.

"(d) TIMING.—To the extent practicable, the Secretary shall award grants for any fiscal year under this part not later than June 1 of the applicable fiscal year.

"SEC. 5111. INNOVATIVE PROGRAMS.

"(a) IN GENERAL.—From amounts reserved under subsection (d) for each fiscal year, the Secretary shall award grants to local educational agencies or consortia of such agencies described in section 5105 to enable such agencies or consortia to conduct innovative programs that—

"(1) carry out the purpose of this part; and

"(2) involve strategies other than magnet schools, such as neighborhood or community model schools—

"(A) organized around a special emphasis, theme or concept; and

"(B) involving extensive parent and community involvement.

"(b) APPLICABILITY.—Sections 5103, 5106, 5107, and 5108, shall not apply to grants awarded under subsection (a).

"(c) APPLICATIONS.—Each local educational agency or consortia of such agencies desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may reasonably require.

"(d) INNOVATIVE PROGRAMS.—The Secretary shall reserve not more than 5 percent of the funds appropriated under section 5113(a) for each fiscal year to award grants under this section.

"SEC. 5112. EVALUATIONS.

"(a) RESERVATION.—The Secretary may reserve not more than two percent of the funds appropriated under section 5113(a) for any fiscal year to carry out evaluations of projects assisted under this part.

"(b) CONTENTS.—Each evaluation described in subsection (a), at a minimum, shall address—

"(1) how and the extent to which magnet school programs lead to educational quality and improvement;

"(2) the extent to which magnet school programs enhance student access to quality education;

"(3) the extent to which magnet school programs lead to the elimination, reduction, or prevention of minority group isolation in elementary and secondary schools with substantial proportions of minority students; and

"(4) the extent to which magnet school programs differ from other school programs in terms of the organizational characteristics and resource allocations of such magnet school programs.

"SEC. 5113. AUTHORIZATION OF APPROPRIATIONS; RESERVATION.

"(a) AUTHORIZATION.—For the purpose of carrying out this part, there are authorized to be appropriated $120,000,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(b) AVAILABILITY OF FUNDS FOR GRANTS TO AGENCIES NOT PREVIOUSLY ASSISTED.—In any fiscal year for which the amount appropriated pursuant to subsection (a) exceeds $75,000,000, the Secretary shall give priority to using such amounts in excess of $75,000,000 to award grants to local educational agencies or consortia of such agencies that did not receive a grant under this part in the preceding fiscal year.

"PART B—WOMEN'S EDUCATIONAL EQUITY

"SEC. 5201. SHORT TITLE; FINDINGS.

"(a) SHORT TITLE.—This part may be cited as the 'Women's Educational Equity Act of 1994'.

"(b) FINDINGS.—The Congress finds that—

"(1) since the enactment of title IX of the Education Amendments of 1972, women and girls have made strides in educational achievement and in their ability to avail themselves of educational opportunities;

"(2) because of funding provided under the Women's Educational Equity Act, more curricula, training, and other educational materials concerning educational equity for women and girls are available for national dissemination;

"(3) teaching and learning practices in the United States are frequently inequitable as such practices relate to women and girls, for example—

"(A) sexual harassment, particularly that experienced by girls, undermines the ability of schools to provide a safe and equitable learning or workplace environment;

"(B) classroom textbooks and other educational materials do not sufficiently reflect the experiences, achievements, or concerns of women and, in most cases, are not written by women or persons of color;

"(C) girls do not take as many mathematics and science courses as boys, girls lose confidence in their mathematics and science ability as girls move through adolescence, and there are few women role models in the sciences; and

"(D) pregnant and parenting teenagers are at high risk for dropping out of school and existing dropout prevention programs do not adequately address the needs of such teenagers;

"(4) efforts to improve the quality of public education also must include efforts to ensure equal access to quality education programs for all women and girls;

"(5) Federal support should address not only research and development of innovative model curricula and teaching and learning strategies to promote gender equity, but should also assist schools and local communities implement gender equitable practices;

"(6) Federal assistance for gender equity must be tied to systemic reform, involve collaborative efforts to implement effective gender practices at the local level, and encourage parental participation; and

"(7) excellence in education, high educational achievements and standards, and the full participation of women and girls in American society, cannot be achieved without educational equity for women and girls.

"SEC. 5202. STATEMENT OF PURPOSES.

"It is the purpose of this part—

"(1) to promote gender equity in education in the United States;

"(2) to provide financial assistance to enable educational agencies and institutions to meet the requirements of title IX of the Educational Amendments of 1972; and

"(3) to promote equity in education for women and girls who suffer from multiple forms of discrimination based on sex, race, ethnic origin, limited-English proficiency, disability, or age.

"SEC. 5203. PROGRAMS AUTHORIZED.

"(a) *In General.—The Secretary is authorized—*

"(1) *to promote, coordinate, and evaluate gender equity policies, programs, activities and initiatives in all Federal education programs and offices;*

"(2) *to develop, maintain, and disseminate materials, resources, analyses, and research relating to education equity for women and girls;*

"(3) *to provide information and technical assistance to assure the effective implementation of gender equity programs;*

"(4) *to coordinate gender equity programs and activities with other Federal agencies with jurisdiction over education and related programs;*

"(5) *to assist the Assistant Secretary of the Office of Educational Research and Improvement in identifying research priorities related to education equity for women and girls; and*

"(6) *to perform any other activities consistent with achieving the purposes of this part.*

"(b) *Grants Authorized.—*

"(1) *In general.—The Secretary is authorized to make grants to, and enter into contracts and cooperative agreements with, public agencies, private nonprofit agencies, organizations, institutions, student groups, community groups, and individuals, for a period not to exceed four years, to—*

"(A) *provide grants to develop model equity programs; and*

"(B) *provide funds for the implementation of equity programs in schools throughout the Nation.*

"(2) *Support and technical assistance.—To achieve the purposes of this part, the Secretary is authorized to provide support and technical assistance—*

"(A) *to implement effective gender-equity policies and programs at all educational levels, including—*

"(i) *assisting educational agencies and institutions to implement policies and practices to comply with title IX of the Education Amendments of 1972;*

"(ii) *training for teachers, counselors, administrators, and other school personnel, especially preschool and elementary school personnel, in gender equitable teaching and learning practices;*

"(iii) *leadership training for women and girls to develop professional and marketable skills to compete in the global marketplace, improve self-esteem, and benefit from exposure to positive role models;*

"(iv) *school-to-work transition programs, guidance and counseling activities, and other programs to increase opportunities for women and girls to enter a technologically demanding workplace and, in particular, to enter highly skilled, high paying careers in which women and girls have been underrepresented;*

"(v) *enhancing educational and career opportunities for those women and girls who suffer multiple* *forms of discrimination, based on sex and on race, ethnic origin, limited-English proficiency, disability, socioeconomic status, or age;*

"(vi) assisting pregnant students and students rearing children to remain in or to return to secondary school, graduate, and prepare their preschool children to start school;

"(vii) evaluating exemplary model programs to assess the ability of such programs to advance educational equity for women and girls;

"(viii) introduction into the classroom of textbooks, curricula, and other materials designed to achieve equity for women and girls;

"(ix) programs and policies to address sexual harassment and violence against women and girls and to ensure that educational institutions are free from threats to the safety of students and personnel;

"(x) nondiscriminatory tests of aptitude and achievement and of alternative assessments that eliminate biased assessment instruments from use;

"(xi) programs to increase educational opportunities, including higher education, vocational training, and other educational programs for low-income women, including underemployed and unemployed women, and women receiving Aid to Families with Dependent Children benefits;

"(xii) programs to improve representation of women in educational administration at all levels; and

"(xiii) planning, development and initial implementation of—

"(I) comprehensive institution- or districtwide evaluation to assess the presence or absence of gender equity in educational settings;

"(II) comprehensive plans for implementation of equity programs in State and local educational agencies and institutions of higher education; including community colleges; and

"(III) innovative approaches to school-community partnerships for educational equity.

"(B) for research and development, which shall be coordinated with each of the research institutes of the Office of Educational Research and Improvement to avoid duplication of research efforts, designed to advance gender equity nationwide and to help make policies and practices in educational agencies and institutions, and local communities, gender equitable, including—

"(i) research and development of innovative strategies and model training programs for teachers and other education personnel;

"(ii) the development of high quality and challenging assessment instruments that are nondiscriminatory;

"(iii) the development and evaluation of model curricula, textbooks, software, and other educational materials to ensure the absence of gender stereotyping and bias;

"(iv) the development of instruments and procedures that employ new and innovative strategies to assess whether diverse educational settings are gender equitable;

"(v) the development of instruments and strategies for evaluation, dissemination, and replication of promising or exemplary programs designed to assist local educational agencies in integrating gender equity in their educational policies and practices;

"(vi) updating high quality educational materials previously developed through awards made under this part;

"(vii) the development of policies and programs to address and prevent sexual harassment and violence to ensure that educational institutions are free from threats to safety of students and personnel;

"(viii) the development and improvement of programs and activities to increase opportunity for women, including continuing educational activities, vocational education, and programs for low-income women, including underemployed and unemployed women, and women receiving Aid to Families with Dependent Children; and

"(ix) the development of guidance and counseling activities, including career education programs, designed to ensure gender equity.

"SEC. 5204. APPLICATIONS.

"An application under this part shall—

"(1) set forth policies and procedures that will ensure a comprehensive evaluation of the activities assisted under this part, including an evaluation of the practices, policies, and materials used by the applicant and an evaluation or estimate of the continued significance of the work of the project following completion of the award period;

"(2) where appropriate, demonstrate how funds received under this part will be used to promote the attainment of one or more of the National Education Goals;

"(3) demonstrate how the applicant will address perceptions of gender roles based on cultural differences or stereotypes;

"(4) where appropriate, describe how funds under this part will be used in a manner that is consistent with programs under the School-to-Work Opportunities Act of 1994;

"(5) for applications for assistance under section 5203(b)(1), demonstrate how the applicant will foster partnerships and, where applicable, share resources with State educational agencies, local educational agencies, institutions of higher education, community-based organizations (including organizations serving women), parent, teacher, and student groups, businesses or other recipients of Federal educational funding which may include State literacy resource centers;

"(6) for applications for assistance under section 5203(b)(1), demonstrate how parental involvement in the project will be encouraged; and

"(7) for applications for assistance under section 5203(b)(1), describe plans for continuation of the activities assisted under this part with local support following completion of the grant period and termination of Federal support under this part.

"SEC. 5205. CRITERIA AND PRIORITIES.

"(a) CRITERIA AND PRIORITIES.—

"(1) IN GENERAL.—The Secretary shall establish separate criteria and priorities for awards under paragraphs (1) and (2) of section 5203(b) to ensure that funds under this part are used for programs that most effectively will achieve the purposes of this part.

"(2) CRITERIA.—The criteria described in subsection (a) may include the extent to which the activities assisted under this part—

"(A) address the needs of women and girls of color and women and girls with disabilities;

"(B) meet locally defined and documented educational equity needs and priorities, including compliance with title IX of the Education Amendments of 1972;

"(C) are a significant component of a comprehensive plan for educational equity and compliance with title IX of the Education Amendments of 1972 in the particular school district, institution of higher education, vocational-technical institution, or other educational agency or institution; and

"(D) implement an institutional change strategy with long-term impact that will continue as a central activity of the applicant after the grant under this part has terminated.

"(b) PRIORITIES.—In approving applications under this part, the Secretary may give special consideration to applications—

"(1) submitted by applicants that have not received assistance under this part or under part C of title IX of this Act (as such part was in effect on October 1, 1988);

"(2) for projects that will contribute significantly to directly improving teaching and learning practices in the local community; and

"(3) for projects that will—

"(A) provide for a comprehensive approach to enhancing gender equity in educational institutions and agencies;

"(B) draw on a variety of resources, including the resources of local educational agencies, community-based organizations, institutions of higher education, and private organizations;

"(C) implement a strategy with long-term impact that will continue as a central activity of the applicant after the grant under this part has terminated;

"(D) address issues of national significance that can be duplicated; and

"(E) address the educational needs of women and girls who suffer multiple or compound discrimination based on sex and on race, ethnic origin, disability, or age.

"(c) Special Rule.—To the extent feasible, the Secretary shall ensure that grants awarded under this part for each fiscal year address—

"(1) all levels of education, including preschool, elementary and secondary education, higher education, vocational education, and adult education;

"(2) all regions of the United States; and

"(3) urban, rural, and suburban educational institutions.

"(d) Coordination.—Research activities supported under this part—

"(1) shall be carried out in consultation with the Office of Educational Research and Improvement to ensure that such activities are coordinated with and enhance the research and development activities supported by the Office; and

"(2) may include collaborative research activities which are jointly funded and carried out with the Office of Educational Research and Improvement.

"(e) Limitation.—Nothing in this part shall be construed as prohibiting men and boys from participating in any programs or activities assisted with funds under this part.

"SEC. 5206. REPORT.

"The Secretary, not later than January 1, 1999, shall submit to the President and the Congress a report on the status of educational equity for girls and women in the Nation.

"SEC. 5207. ADMINISTRATION.

"(a) Evaluation and Dissemination.—The Secretary shall evaluate in accordance with section 14701, and disseminate, materials and programs developed under this part and shall report to the Congress regarding such evaluation materials and programs not later than January 1, 1998.

"(b) Program Operations.—The Secretary shall ensure that the activities assisted under this part are administered within the Department by a person who has recognized professional qualifications and experience in the field of gender equity education.

"SEC. 5208. AUTHORIZATION OF APPROPRIATIONS.

"For the purpose of carrying out this part, there are authorized to be appropriated $5,000,000 for fiscal year 1995 and such sums as may be necessary for each of the four succeeding fiscal years, of which not less than two-thirds of the amount appropriated under this section for each fiscal year shall be available to carry out the activities described in section 5203(b)(1).

"PART C—ASSISTANCE TO ADDRESS SCHOOL DROPOUT PROBLEMS

"SEC. 5301. SHORT TITLE.

"This part may be cited as the 'School Dropout Assistance Act'.

"SEC. 5302. PURPOSE.

"The purpose of this part is to reduce the number of children who do not complete their elementary and secondary education by providing grants to local educational agencies to establish—

"(1) effective programs to identify potential student dropouts, including pregnant and parenting teenagers, and prevent such students from dropping out of school;

"(2) effective programs to identify and encourage children who have already dropped out to reenter school and complete their elementary and secondary education;

"(3) effective early intervention programs designed to identify at-risk students in elementary and secondary schools; and

"(4) model systems for collecting and reporting information to local school officials on the number, ages, sex, race or ethnicity, and grade levels of the children not completing their elementary and secondary education and the reasons why such children have dropped out of school.

"SEC. 5303. GRANTS TO LOCAL EDUCATIONAL AGENCIES.

"(a) Allotment to Categories of Local Educational Agencies.—From the amount appropriated under section 5308 for any fiscal year, the Secretary shall first reserve not more than $2,000,000 for the purposes of evaluating programs carried out with assistance under this part in accordance with section 14701. From the remaining amount, the Secretary shall allot the following percentages to each of the following categories of local educational agencies:

"(1) Local educational agencies administering schools with a total enrollment of 100,000 or more elementary and secondary school students shall be allotted 25 percent of such remaining amount.

"(2) Local educational agencies administering schools with a total enrollment of at least 20,000 but less than 100,000 elementary and secondary school students shall be allotted 40 percent of such remaining amount.

"(3) Local educational agencies administering schools with a total enrollment of less than 20,000 elementary and secondary school students shall be allotted 30 percent of such remaining amount. Grants may be made under this paragraph to educational service agencies and consortia of not more than 5 local educational agencies in any case in which the total enrollment of the largest such local educational agency is less than 20,000 elementary and secondary students. Such agencies and consortia may also apply for assistance under this part in conjunction with the State educational agency. Not less than 20 percent of funds available under this paragraph shall be awarded to local educational agencies administering schools with a total enrollment of less than 2,000 elementary and secondary school students.

"(4) Community-based organizations shall be allotted 5 percent of such remaining amount. Grants under this paragraph shall be made after consultation between the community-based organization and the local educational agency that is to benefit from such a grant.

"(b) Special Consideration.—

"(1) IN GENERAL.—*The Secretary shall give special consideration to awarding funds available for each category described in paragraphs (1), (2), and (3) of subsection (a) to local educational agencies participating in an educational partnership.*

"(2) EDUCATIONAL PARTNERSHIPS.—*For the purpose of this part the term 'educational partnerships' means a partnership between—*

"(A) *a local educational agency; and*

"(B) *a business concern or business organization, community-based organization, nonprofit private organization, institution of higher education, State educational agency, State or local public agency, private industry council (established under the Job Training Partnership Act), museum, library, or educational television or broadcasting station.*

"(c) AWARD OF GRANT.—

"(1) IN GENERAL.—*From the amount allotted for any fiscal year to a category of local educational agencies under subsection (a), the Secretary shall award as many grants as practicable within each such category to local educational agencies and educational partnerships whose applications have been approved by the Secretary for such fiscal year under section 5304 and whose applications propose a program of sufficient size, scope, and quality to be effective.*

"(2) ADDITIONAL FUNDS.—*Any local educational agency or educational partnership that has received a grant under this part shall be eligible for additional funds as provided under subsection (d).*

"(3) TERMS AND CONDITIONS.—*Grants under this part shall be made under such terms and conditions as the Secretary shall prescribe.*

"(d) USE OF FUNDS WHEN NOT FULLY ALLOTTED TO CATEGORIES UNDER SUBSECTION (a).—

"(1) IN GENERAL.—*Whenever the Secretary determines that the full amount of the sums allotted under any category set forth under subsection (a) will not be required for applications of the local educational agencies in the case of categories described in paragraphs (1), (2), or (3) of subsection (a), the Secretary shall make the amount not so required available to another category under subsection (a). In carrying out the provisions of this subsection, the Secretary shall assure that the transfer of amounts from one category to another is made to a category in which there is the greatest need for funds.*

"(2) PEER REVIEW.—*In order to transfer funds under this subsection, the Secretary shall use a peer review process to determine that such excess funds are not needed to fund projects in particular categories and shall prepare a list of the categories in which funds were not fully expended and the reasons therefor, and make such list available to local educational agencies and educational partnerships upon request. The Secretary may use the peer review process to determine grant recipients of funds transferred in accordance with this subsection.*

"(e) FEDERAL SHARE.—

"(1) FEDERAL SHARE.—The Federal share of a grant under this part may not exceed—

"(A) 90 percent of the total cost of a project for the first year for which the project receives assistance under this part; and

"(B) 75 percent of such cost in each such succeeding fiscal year.

"(2) REMAINING COSTS.—The remaining cost of a project that receives assistance under this part may be paid from any source other than funds made available under this part, except that not more than 10 percent of the remaining cost in any fiscal year may be provided from Federal sources other than this part.

"(3) NON-FEDERAL SHARE.—The share of payments from sources other than funds made available under this part may be in cash or in kind fairly evaluated, including plant, equipment or services.

"SEC. 5404. APPLICATION.

"(a) APPLICATION REQUIRED.—

"(1) IN GENERAL.—A grant under this part may be made only to a local educational agency or an educational partnership which submits an application to the Secretary containing such information as may be required by the Secretary by regulation.

"(2) DURATION.—Each such application shall be for a three-year period.

"(b) CONTENTS.—Each such application shall—

"(1) provide documentation of—

"(A) the number of children who were enrolled in the schools to be served by the applicant for the five academic years prior to the date application is made who have not completed their elementary or secondary education and who are classified as school dropouts; and

"(B) the percentage that such number of children is of the total school-age population in the applicant's schools;

"(2) include a plan for the development and implementation of a school dropout information collection and reporting system for documenting the extent and nature of the dropout problem, which system shall collect and cross tabulate data, where feasible, by sex according to race or ethnicity and socioeconomic status;

"(3) include a plan for coordinated activities involving not less than 1 secondary school and its feeder junior high or middle schools and elementary schools for local educational agencies that have feeder systems;

"(4) when applicable, describe how programs assisted under this part will be coordinated with, and not duplicate, programs assisted under title I;

"(5) include a description of how the program assisted under this part is consistent with the second National Education Goal, relating to school completion, and other Federal programs as appropriate; and

"(6) contain such other information as the Secretary considers necessary to determine the nature of the local needs, the

quality of the proposed project, and the capability of the applicant to carry out the project.

"(c) PRIORITY.—The Secretary shall, in approving applications under this section, give priority to applications which—

"(1) demonstrate the replication of successful programs conducted in other local educational agencies or the expansion of successful programs within a local educational agency; and

"(2) reflect very high numbers or very high percentages of school dropouts in the schools of the applicant in each category described in section 5303(a).

"(d) SPECIAL CONSIDERATION.—The Secretary shall give additional special consideration to applications that include—

"(1) provisions which emphasize early intervention services designed to identify at-risk students in elementary or early secondary schools; and

"(2) provisions for significant parental involvement.

"(e) GRANTS FOR NEW GRANTEES.—In awarding grants under this part the Secretary shall use only the priorities and special considerations described in subsections (c) and (d).

"(f) CONTINUATION OF ASSISTANCE.—For the two fiscal years beginning after the date of enactment of the Improving America's Schools Act of 1994, the Secretary shall approve an application under this section for a local educational agency which received funding in fiscal year 1994 under the School Dropout Demonstration Assistance Act of 1988 (20 U.S.C. 3241 et seq.) and which—

"(1) satisfies the requirements of this section;

"(2) qualifies for special consideration or priority under—

"(A) section 5303(b); and

"(B) subsections (c) and (d) of this section; and

"(3) provides evidence that the program for which such agency is seeking assistance is effective in—

"(A) providing early intervention services to at-risk students in elementary and secondary schools;

"(B) identifying potential student dropouts; and

"(C) preventing students from dropping out of school.

"SEC. 5305. AUTHORIZED ACTIVITIES.

"Grants under this part shall be used to carry out activities and services described in applications approved under section 5304. In addition, grants may be used for educational, occupational, and basic skills testing services and activities, including—

"(1) the establishment of systemwide or school-level policies, procedures, and plans for dropout prevention and school reentry;

"(2) the development and implementation of activities, including extended day or summer programs, designed to address poor achievement, basic skills deficiencies, language deficiencies, or course failures, in order to assist students at risk of dropping out of school and students reentering school, including youth returning to school from a correctional or other facility operated for delinquent youth;

"(3) the establishment or expansion of work-study, apprentice, or internship programs;

"(4) the use of resources of the community, including contracting with public or private entities or community-based organizations of demonstrated performance, to provide services to the grant recipient or the target population;

"(5) the evaluation and revision of program placement of students at risk;

"(6) the evaluation of program effectiveness of dropout programs;

"(7) the development and implementation of programs for traditionally underserved groups of students;

"(8) the implementation of activities which will improve student motivation and the school learning environment;

"(9) the provision of training for school personnel on strategies and techniques designed to—

"(A) identify children at risk of dropping out of school;

"(B) intervene in the instructional program for such children with support and remedial services;

"(C) develop realistic expectations for student performance; and

"(D) improve student-staff interactions;

"(10) the study of the relationship between drugs and school dropouts and between youth gangs and school dropouts, and the coordination of dropout prevention and reentry programs with appropriate drug prevention and community organizations for the prevention of youth gangs;

"(11) the study of the relationship between disabling conditions and student dropouts;

"(12) the study of the relationship between the dropout rate for gifted and talented students compared to the dropout rate for the general student enrollment;

"(13) the use of educational telecommunications and broadcasting technologies and educational materials designed to extend, motivate, and reinforce school, community, and home dropout prevention and reentry activities;

"(14) the development and implementation of efforts to identify and address factors in a student's decision to drop out of school that are related to gender and family roles, including activities and services designed to meet the needs of pregnant and parenting teenagers;

"(15) the provision of other educational, occupational and testing services and activities which directly relate to the purpose of this part;

"(16) activities which offer jobs and college admissions for successful completion of the program for which assistance is sought;

"(17) summer employment programs;

"(18) occupational training programs;

"(19) career opportunity and skills counseling;

"(20) job placement services;

"(21) the development of skill employment competency testing programs;

"(22) special school staff training projects; and

"(23) mentoring programs.

"SEC. 5306. DISTRIBUTION OF ASSISTANCE; LIMITATION ON COSTS.

"(a) DISTRIBUTION OF ASSISTANCE.—The Secretary shall ensure that, to the extent practicable, in approving grant applications under this part—

"(1) grants are equitably distributed on a geographic basis within each category set forth in section 5303(a);

"(2) the amount of a grant to a local educational agency or an educational partnership for a fiscal year is proportionate to the extent and severity of the local school dropout problem;

"(3) not less than 30 percent of the amount available for grants in each fiscal year is used for activities relating to school dropout prevention; and

"(4) not less than 30 percent of the amount available for grants in each fiscal year is used for activities relating to persuading school dropouts to return to school and assisting former school dropouts with specialized services once school dropouts return to school.

"(b) ADMINISTRATIVE COSTS.—Not more than five percent of any grant made under this part may be used for administrative costs.

"SEC. 5307. REPORTS.

"(a) ANNUAL REPORTS.—The Secretary shall submit to the Congress a report by January 1 of each year, beginning on January 1, 1995, which sets forth the progress of the Commissioner of Education Statistics, established under section 403(b) of the National Education Statistics Act of 1994, to implement a definition and data collection process for school dropouts in elementary and secondary schools, including statistical information for the number and percentage of elementary and secondary school students by gender, race, and ethnic origin who drop out of school each year, including dropouts—

"(1) throughout the Nation by rural and urban location as defined by the Secretary; and

"(2) in each of the individual States and the District of Columbia.

"(b) RECOMMENDATIONS.—The report under subsection (a) shall also contain recommendations on ways in which the Federal Government, States and localities can further support the implementation of an effective methodology to accurately measure school dropout and retention rates on the national, State, and local levels.

"SEC. 5308. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated $50,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this part.

"TITLE VI—INNOVATIVE EDUCATION PROGRAM STRATEGIES

"SEC. 6001. FINDINGS AND STATEMENT OF PURPOSE.

"(a) FINDINGS.—The Congress finds that chapter 2 of title I of this Act (as such chapter was in effect on the day preceding the date of enactment of the Improving America's Schools Act of 1994) has been successful in achieving the goals of increasing local flexibility,

reducing administrative burden, providing services for private school students, encouraging innovation, and contributing to the improvement of elementary and secondary educational programs.

"(b) STATEMENT OF PURPOSE.—It is the purpose of programs under this title:

"(1) to support local education reform efforts which are consistent with and support statewide reform efforts under Goals 2000: Educate America Act;

"(2) to support State and local efforts to accomplish the National Education Goals;

"(3) to provide funding to enable State and local educational agencies to implement promising educational reform programs;

"(4) to provide a continuing source of innovation, and educational improvement, including support for library services and instructional and media materials; and

"(5) to meet the special educational needs of at risk and high cost students.

"(c) STATE AND LOCAL RESPONSIBILITY.—The basic responsibility for the administration of funds made available under this title is within the State educational agencies, but it is the intent of Congress that the responsibility be carried out with a minimum of paperwork and that the responsibility for the design and implementation of programs assisted under this title will be mainly that of local educational agencies, school superintendents and principals, and classroom teachers and supporting personnel, because such agencies and individuals have the most direct contact with students and are most likely to be able to design programs to meet the educational needs of students in their own school districts.

"SEC. 6002. AUTHORIZATION OF APPROPRIATIONS; DURATION OF ASSISTANCE.

"(a) AUTHORIZATION.—To carry out the purposes of this title, there are authorized to be appropriated $370,000,000 for fiscal year 1995 and such sums as may be necessary for each of the four succeeding fiscal years.

"(b) DURATION OF ASSISTANCE.—During the period beginning October 1, 1994, and ending September 30, 1999, the Secretary shall, in accordance with the provisions of this title, make payments to State educational agencies for the purpose of this title.

"SEC. 6003. DEFINITION.

"For the purposes of this title the term 'effective schools programs' means school-based programs that may encompass preschool through secondary school levels and that have the objectives of (1) promoting school-level planning, instructional improvement, and staff development, (2) increasing the academic achievement levels of all children and particularly educationally disadvantaged children, and (3) achieving as ongoing conditions in the school the following factors identified through effective schools research as distinguishing effective from ineffective schools:

"(A) Strong and effective administrative and instructional leadership that creates consensus on instructional goals and organizational capacity for instructional problem solving.

"(B) Emphasis on the acquisition of basic and higher order skills.

"(C) A safe and orderly school environment that allows teachers and pupils to focus their energies on academic achievement.

"(D) A climate of expectation that virtually all children can learn under appropriate conditions.

"(E) Continuous assessment of students and programs to evaluate the effects of instruction.

"PART A—STATE AND LOCAL PROGRAMS

"SEC. 6101. ALLOTMENT TO STATES.

"(a) RESERVATIONS.—From the sums appropriated to carry out this title in any fiscal year, the Secretary shall reserve not to exceed one percent for payments to outlying areas to be allotted in accordance with their respective needs.

"(b) ALLOTMENT.—From the remainder of such sums, the Secretary shall allot to each State an amount which bears the same ratio to the amount of such remainder as the school-age population of the State bears to the school-age population of all States, except that no State shall receive less than an amount equal to one-half of one percent of such remainder.

"(c) DEFINITIONS.—For purposes of this part—

"(1) The term 'school-age population' means the population aged 5 through 17.

"(2) The term 'States' includes the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

"SEC. 6102. ALLOCATION TO LOCAL EDUCATIONAL AGENCIES.

"(a) DISTRIBUTION RULE.—From the sums made available each year to carry out this title, the State educational agency shall distribute not less than 85 percent to local educational agencies within such State according to the relative enrollments in public and private, nonprofit schools within the school districts of such agencies, adjusted, in accordance with criteria approved by the Secretary, to provide higher per pupil allocations to local educational agencies which have the greatest numbers or percentages of children whose education imposes a higher than average cost per child, such as—

"(1) children living in areas with high concentrations of low-income families;

"(2) children from low-income families; and

"(3) children living in sparsely populated areas.

"(b) CALCULATION OF ENROLLMENTS.—

"(1) IN GENERAL.—The calculation of relative enrollments under subsection (a) shall be on the basis of the total of—

"(A) the number of children enrolled in public schools; and

"(B) the number of children enrolled in private nonprofit schools that desire that their children participate in programs or projects assisted under this title, for the fiscal year preceding the fiscal year for which the determination is made.

"(2) CONSTRUCTION.—Nothing in this subsection shall diminish the responsibility of local educational agencies to contact, on an annual basis, appropriate officials from private nonprofit schools within the areas served by such agencies in order to determine whether such schools desire that their children participate in programs assisted under this part.

"(3) ADJUSTMENTS.—(A) Relative enrollments under subsection (a) shall be adjusted, in accordance with criteria approved by the Secretary under subparagraph (B), to provide higher per pupil allocations only to local educational agencies which serve the greatest numbers or percentages of—

"(i) children living in areas with high concentrations of low-income families;

"(ii) children from low-income families; or

"(iii) children living in sparsely populated areas.

"(B) The Secretary shall review criteria submitted by a State educational agency for adjusting allocations under paragraph (1) and shall approve such criteria only if the Secretary determines that such criteria are reasonably calculated to produce an adjusted allocation that reflects the relative needs within the State's local educational agencies based on the factors set forth in subparagraph (A).

"(c) PAYMENT OF ALLOCATIONS.—

"(1) DISTRIBUTION.—From the funds paid to a State educational agency pursuant to section 6002 for a fiscal year, a State educational agency shall distribute to each eligible local educational agency which has submitted an application as required in section 6202 the amount of such local educational agency allocation as determined under subsection (a).

"(2) ADDITIONAL FUNDS.—(A) Additional funds resulting from higher per pupil allocations provided to a local educational agency on the basis of adjusted enrollments of children described in subsection (a), may, at the discretion of the local educational agency, be allocated for expenditures to provide services for children enrolled in public and private nonprofit schools in direct proportion to the number of children described in subsection (a) and enrolled in such schools within the local educational agency.

"(B) In any fiscal year, any local educational agency that elects to allocate such additional funds in the manner described in subparagraph (A) shall allocate all additional funds to schools within the local educational agency in such manner.

"(C) The provisions of subparagraphs (A) and (B) may not be construed to require any school to limit the use of such additional funds to the provision of services to specific students or categories of students.

"PART B—STATE PROGRAMS

"SEC. 6201. STATE USES OF FUNDS.

"(a) AUTHORIZED ACTIVITIES.—A State educational agency may use funds made available for State use under this title only for—

"(1) State administration of programs under this title including—

"(A) supervision of the allocation of funds to local educational agencies;

"(B) planning, supervision, and processing of State funds; and

"(C) monitoring and evaluation of programs and activities under this title; and

"(2) technical assistance and direct grants to local educational agencies and statewide education reform activities including effective schools programs which assist local educational agencies to provide targeted assistance.

"(b) LIMITATIONS AND REQUIREMENTS.—Not more than 25 percent of funds available for State programs under this title in any fiscal year may be used for State administration under subsection (a)(1).

"SEC. 6202. STATE APPLICATIONS.

"(a) APPLICATION REQUIREMENTS.—Any State which desires to receive assistance under this part shall submit to the Secretary an application which—

"(1) designates the State educational agency as the State agency responsible for administration and supervision of programs assisted under this title;

"(2)(A) provides for a biennial submission of data on the use of funds, the types of services furnished, and the students served under this title; and

"(B) in fiscal year 1998 provides for an evaluation of the effectiveness of programs assisted under this title;

"(3) sets forth the allocation of such funds required to implement section 6402;

"(4) provides that the State educational agency will keep such records and provide such information to the Secretary as may be required for fiscal audit and program evaluation (consistent with the responsibilities of the Secretary under this section);

"(5) provides assurance that, apart from technical and advisory assistance and monitoring compliance with this title, the State educational agency has not exercised and will not exercise any influence in the decision making processes of local educational agencies as to the expenditure made pursuant to an application under section 6303;

"(6) contains assurances that there is compliance with the specific requirements of this title; and

"(7) provides for timely public notice and public dissemination of the information provided pursuant to paragraph (2).

"(b) PERIOD OF APPLICATION.—An application filed by the State under subsection (a) shall be for a period not to exceed three years, and may be amended annually as may be necessary to reflect changes without filing a new application.

"(c) AUDIT RULE.—Local educational agencies receiving less than an average of $5,000 each under this title shall not be audited more frequently than once every five years.

"PART C—LOCAL INNOVATIVE EDUCATION PROGRAMS

"SEC. 6301. TARGETED USE OF FUNDS.

"(a) GENERAL RULE.—Funds made available to local educational agencies under section 6102 shall be used for innovative assistance described in subsection (b).

"(b) INNOVATIVE ASSISTANCE.—The innovative assistance programs referred to in subsection (a) include—

"(1) technology related to the implementation of school-based reform programs, including professional development to assist teachers and other school officials regarding how to use effectively such equipment and software;

"(2) programs for the acquisition and use of instructional and educational materials, including library services and materials (including media materials), assessments, reference materials, computer software and hardware for instructional use, and other curricular materials which are tied to high academic standards and which will be used to improve student achievement and which are part of an overall education reform program;

"(3) promising education reform projects, including effective schools and magnet schools;

"(4) programs to improve the higher order thinking skills of disadvantaged elementary and secondary school students and to prevent students from dropping out of school;

"(5) programs to combat illiteracy in the student and adult population, including parent illiteracy;

"(6) programs to provide for the educational needs of gifted and talented children;

"(7) school reform activities that are consistent with the Goals 2000: Educate America Act; and

"(8) school improvement programs or activities under sections 1116 and 1117.

"SEC. 6302. ADMINISTRATIVE AUTHORITY.

"In order to conduct the activities authorized by this title, each State or local educational agency may use funds reserved for this title to make grants to and to enter into contracts with local educational agencies, institutions of higher education, libraries, museums, and other public and private nonprofit agencies, organizations, and institutions.

"SEC. 6303. LOCAL APPLICATIONS.

"(a) CONTENTS OF APPLICATION.—A local educational agency or consortium of such agencies may receive an allocation of funds under this title for any year for which an application is submitted to the State educational agency and such application is certified to meet the requirements of this section. The State educational agency shall certify any such application if such application—

"(1)(A) sets forth the planned allocation of funds among innovative assistance programs described in section 6301 and describes the programs, projects, and activities designed to carry out such innovative assistance which the local educational

agency intends to support, together with the reasons for the selection of such programs, projects, and activities; and

"(B) sets forth the allocation of such funds required to implement section 6402;

"(2) describes how assistance under this title will contribute to meeting the National Education Goals and improving student achievement or improving the quality of education for students;

"(3) provide assurances of compliance with the provisions of this title, including the participation of children enrolled in private, nonprofit schools in accordance with section 6402;

"(4) agrees to keep such records, and provide such information to the State educational agency as reasonably may be required for fiscal audit and program evaluation, consistent with the responsibilities of the State agency under this title; and

"(5) provides in the allocation of funds for the assistance authorized by this title, and in the design, planning and implementation of such programs, for systematic consultation with parents of children attending elementary and secondary schools in the area served by the local educational agency, with teachers and administrative personnel in such schools, and with other groups involved in the implementation of this title (such as librarians, school counselors, and other pupil services personnel) as may be considered appropriate by the local educational agency.

"(b) PERIOD OF APPLICATION.—An application filed by a local educational agency under subsection (a) shall be for a period not to exceed three fiscal years, may provide for the allocation of funds to programs for a period of three years, and may be amended annually as may be necessary to reflect changes without filing a new application.

"(c) LOCAL EDUCATIONAL AGENCY DISCRETION.—Subject to the limitations and requirements of this title, a local educational agency shall have complete discretion in determining how funds under this part shall be divided among the areas of targeted assistance. In exercising such discretion, a local educational agency shall ensure that expenditures under this part carry out the purposes of this title and are used to meet the educational needs within the schools of such local educational agency.

"PART D—GENERAL ADMINISTRATIVE PROVISIONS

"SEC. 6401. MAINTENANCE OF EFFORT; FEDERAL FUNDS SUPPLEMENTARY.

"(a) MAINTENANCE OF EFFORT.—

"(1) IN GENERAL.—Except as provided in paragraph (2), a State is entitled to receive its full allocation of funds under this part for any fiscal year if the Secretary finds that either the combined fiscal effort per student or the aggregate expenditures within the State with respect to the provision of free public education for the fiscal year preceding the fiscal year for which the determination is made was not less than 90 percent of such combined fiscal effort or aggregate expenditures for the second

fiscal year preceding the fiscal year for which the determination is made.

"(2) REDUCTION OF FUNDS.—The Secretary shall reduce the amount of the allocation of funds under this part in any fiscal year in the exact proportion to which the State fails to meet the requirements of paragraph (1) by falling below 90 percent of both the fiscal effort per student and aggregate expenditures (using the measure most favorable to the State), and no such lesser amount shall be used for computing the effort required under paragraph (1) for subsequent years.

"(3) WAIVERS.—The Secretary may waive, for one fiscal year only, the requirements of this section if the Secretary determines that such a waiver would be equitable due to exceptional or uncontrollable circumstances such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the State.

"(b) FEDERAL FUNDS SUPPLEMENTARY.—A State or local educational agency may use and allocate funds received under this part only so as to supplement and, to the extent practical, increase the level of funds that would, in the absence of Federal funds made available under this part, be made available from non-Federal sources, and in no case may such funds be used so as to supplant funds from non-Federal sources.

"SEC. 6402. PARTICIPATION OF CHILDREN ENROLLED IN PRIVATE SCHOOLS.

"(a) PARTICIPATION ON EQUITABLE BASIS.—

"(1) IN GENERAL.—To the extent consistent with the number of children in the school district of a local educational agency which is eligible to receive funds under this title or which serves the area in which a program or project assisted under this title is located who are enrolled in private nonprofit elementary and secondary schools, or with respect to instructional or personnel training programs funded by the State educational agency from funds made available for State use, such agency, after consultation with appropriate private school officials, shall provide for the benefit of such children in such schools secular, neutral, and nonideological services, materials, and equipment, including the participation of the teachers of such children (and other educational personnel serving such children) in training programs, and the repair, minor remodeling, or construction of public facilities as may be necessary for their provision (consistent with subsection (c) of this section), or, if such services, materials, and equipment are not feasible or necessary in one or more such private schools as determined by the local educational agency after consultation with the appropriate private school officials, shall provide such other arrangements as will assure equitable participation of such children in the purposes and benefits of this title.

"(2) OTHER PROVISIONS FOR SERVICES.—If no program or project is carried out under paragraph (1) in the school district of a local educational agency, the State educational agency

shall make arrangements, such as through contracts with nonprofit agencies or organizations, under which children in private schools in such district are provided with services and materials to the extent that would have occurred if the local educational agency had received funds under this title.

"(3) APPLICATION OF REQUIREMENTS.—*The requirements of this section relating to the participation of children, teachers, and other personnel serving such children shall apply to programs and projects carried out under this title by a State or local educational agency, whether directly or through grants to or contracts with other public or private agencies, institutions, or organizations.*

"(b) EQUAL EXPENDITURES.—*Expenditures for programs pursuant to subsection (a) shall be equal (consistent with the number of children to be served) to expenditures for programs under this title for children enrolled in the public schools of the local educational agency, taking into account the needs of the individual children and other factors which relate to such expenditures, and when funds available to a local educational agency under this title are used to concentrate programs or projects on a particular group, attendance area, or grade or age level, children enrolled in private schools who are included within the group, attendance area, or grade or age level selected for such concentration shall, after consultation with the appropriate private school officials, be assured equitable participation in the purposes and benefits of such programs or projects.*

"(c) FUNDS.—

"(1) ADMINISTRATION OF FUNDS AND PROPERTY.—*The control of funds provided under this title, and title to materials, equipment, and property repaired, remodeled, or constructed with such funds, shall be in a public agency for the uses and purposes provided in this title, and a public agency shall administer such funds and property.*

"(2) PROVISION OF SERVICES.—*The provision of services pursuant to this title shall be provided by employees of a public agency or through contract by such public agency with a person, an association, agency, or corporation who or which, in the provision of such services, is independent of such private school and of any religious organizations, and such employment or contract shall be under the control and supervision of such public agency, and the funds provided under this title shall not be commingled with State or local funds.*

"(d) STATE PROHIBITION WAIVER.—*If by reason of any provision of law a State or local educational agency is prohibited from providing for the participation in programs of children enrolled in private elementary and secondary schools, as required by this section, the Secretary shall waive such requirements and shall arrange for the provision of services to such children through arrangements which shall be subject to the requirements of this section.*

"(e) WAIVER AND PROVISION OF SERVICES.—

"(1) FAILURE TO COMPLY.—*If the Secretary determines that a State or a local educational agency has substantially failed or is unwilling to provide for the participation on an equitable basis of children enrolled in private elementary and secondary schools as required by this section, the Secretary may waive* *such requirements and shall arrange for the provision of services to such children through arrangements which shall be subject to the requirements of this section.*

"(2) Withholding of allocation.—Pending final resolution of any investigation or complaint that could result in a determination under this subsection or subsection (d), the Secretary may withhold from the allocation of the affected State or local educational agency the amount estimated by the Secretary to be necessary to pay the cost of those services.

"(f) Determination.—Any determination by the Secretary under this section shall continue in effect until the Secretary determines that there will no longer be any failure or inability on the part of the State or local educational agency to meet the requirements of subsections (a) and (b).

"(g) Payment From State Allotment.—When the Secretary arranges for services pursuant to this section, the Secretary shall, after consultation with the appropriate public and private school officials, pay the cost of such services, including the administrative costs of arranging for those services, from the appropriate allotment of the State under this title.

"(h) Review.—

"(1) Written objections.—The Secretary shall not take any final action under this section until the State educational agency and the local educational agency affected by such action have had an opportunity, for not less than 45 days after receiving written notice thereof, to submit written objections and to appear before the Secretary or the Secretary's designee to show cause why that action should not be taken.

"(2) Court action.—If a State or local educational agency is dissatisfied with the Secretary's final action after a proceeding under paragraph (1), such agency may, not later than 60 days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be transmitted by the clerk of the court to the Secretary. The Secretary thereupon shall file in the court the record of the proceedings on which the Secretary based this action, as provided in section 2112 of title 28, United States Code.

"(3) Remand to secretary.—The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Secretary to take further evidence and the Secretary may make new or modified findings of fact and may modify the Secretary's previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

"(4) Court review.—Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Secretary or to set such action aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

"(i) PRIOR DETERMINATION.—Any bypass determination by the Secretary under chapter 2 of title I of this Act (as such chapter was in effect on the day preceding the date of enactment of the Improving America's Schools Act of 1994) shall, to the extent consistent with the purposes of this title, apply to programs under this title.

"SEC. 6403. FEDERAL ADMINISTRATION.

"(a) TECHNICAL ASSISTANCE.—The Secretary, upon request, shall provide technical assistance to State and local educational agencies under this title.

"(b) RULEMAKING.—The Secretary shall issue regulations under this title only to the extent that such regulations are necessary to ensure that there is compliance with the specific requirements and assurances required by this title.

"(c) AVAILABILITY OF APPROPRIATIONS.—Notwithstanding any other provision of law, unless expressly in limitation of this subsection, funds appropriated in any fiscal year to carry out activities under this title shall become available for obligation on July 1 of such fiscal year and shall remain available for obligation until the end of the subsequent fiscal year.

"TITLE VII—BILINGUAL EDUCATION, LANGUAGE ENHANCEMENT, AND LANGUAGE ACQUISITION PROGRAMS

"PART A—BILINGUAL EDUCATION

"SEC. 7101. SHORT TITLE.

"This part may be cited as the 'Bilingual Education Act'.

"SEC. 7102. FINDINGS, POLICY, AND PURPOSE.

"(a) FINDINGS.—The Congress finds that—

"(1) language-minority Americans speak virtually all world languages plus many that are indigenous to the United States;

"(2) there are large and growing numbers of children and youth of limited-English proficiency, many of whom have a cultural heritage that differs from that of their English-proficient peers;

"(3) the presence of language-minority Americans is related in part to Federal immigration policies;

"(4) many language-minority Americans are limited in their English proficiency, and many have limited education and income;

"(5) limited English proficient children and youth face a number of challenges in receiving an education that will enable such children and youth to participate fully in American society, including—

"(A) segregated education programs;

"(B) disproportionate and improper placement in special education and other special programs due to the use of inappropriate evaluation procedures;

"(C) the limited-English proficiency of their own parents, which hinders the parents' ability to fully participate in the education of their children; and

"(D) a shortage of teachers and other staff who are professionally trained and qualified to serve such children and youth;

"(6) Native Americans and Native American languages (as such terms are defined in section 103 of the Native American Languages Act), including native residents of the outlying areas, have a unique status under Federal law that requires special policies within the broad purposes of this Act to serve the education needs of language minority students in the United States;

"(7) institutions of higher education can assist in preparing teachers, administrators and other school personnel to understand and build upon the educational strengths and needs of language-minority and culturally diverse student enrollments;

"(8) it is the purpose of this title to help ensure that limited English proficient students master English and develop high levels of academic attainment in content areas;

"(9) quality bilingual education programs enable children and youth to learn English and meet high academic standards including proficiency in more than one language;

"(10) as the world becomes increasingly interdependent and as international communication becomes a daily occurrence in government, business, commerce, and family life, multilingual skills constitute an important national resource which deserves protection and development;

"(11) educational technology has the potential for improving the education of language-minority and limited English proficient students and their families, and the Federal Government should foster this development;

"(12) parent and community participation in bilingual education programs contributes to program effectiveness;

"(13) research, evaluation, and data-collection capabilities in the field of bilingual education need to be strengthened so that educators and other staff can better identify and promote those programs, program implementation strategies, and instructional practices that result in effective education of limited English proficient children;

"(14) the use of a child or youth's native language and culture in classroom instruction can—

"(A) promote self-esteem and contribute to academic achievement and learning English by limited English proficient children and youth;

"(B) benefit English-proficient children and youth who also participate in such programs; and

"(C) develop our Nation's national language resources, thus promoting our Nation's competitiveness in the global economy;

"(15) the Federal Government, as exemplified by title VI of the Civil Rights Act of 1964 and section 204(f) of the Equal Education Opportunities Act of 1974, has a special and continuing obligation to ensure that States and local school districts take appropriate action to provide equal educational opportunities to children and youth of limited English proficiency; and

"(16) the Federal Government also, as exemplified by the Federal Government's efforts under this title, has a special and continuing obligation to assist States and local school districts in developing the capacity to provide programs of instruction that offer limited English proficient children and youth an equal educational opportunity.

"(b) POLICY.—The Congress declares it to be the policy of the United States, in order to ensure equal educational opportunity for all children and youth and to promote educational excellence, to assist State and local educational agencies, institutions of higher education and community-based organizations to build their capacity to establish, implement, and sustain programs of instruction for children and youth of limited English proficiency.

"(c) PURPOSE.—The purpose of this part is to educate limited English proficient children and youth to meet the same rigorous standards for academic performance expected of all children and youth, including meeting challenging State content standards and challenging State student performance standards in academic areas by—

"(1) developing systemic improvement and reform of educational programs serving limited English proficient students through the development and implementation of exemplary bilingual education programs and special alternative instruction programs;

"(2) developing bilingual skills and multicultural understanding;

"(3) developing the English of such children and youth and, to the extent possible, the native language skills of such children and youth;

"(4) providing similar assistance to Native Americans with certain modifications relative to the unique status of Native American languages under Federal law;

"(5) developing data collection and dissemination, research, materials development, and technical assistance which is focused on school improvement for limited English proficient students; and

"(6) developing programs which strengthen and improve the professional training of educational personnel who work with limited English proficient students.

"SEC. 7103. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—For the purpose of carrying out this part, there are authorized to be appropriated $215,000,000 for the fiscal year 1995 and such sums as may be necessary for each of the four succeeding fiscal years.

"(b) DISTRIBUTION.—From the sums appropriated under subsection (a) for any fiscal year, the Secretary shall reserve not less than 25 percent of such funds for such year to carry out subpart 3.

"SEC. 7104. NATIVE AMERICAN AND ALASKA NATIVE CHILDREN IN SCHOOL.

"(a) ELIGIBLE ENTITIES.—For the purpose of carrying out programs under this part for individuals served by elementary, secondary, and postsecondary schools operated predominately for Native American or Alaska Native children and youth, an Indian tribe, a

tribally sanctioned educational authority, a Native Hawaiian or Native American Pacific Islander native language education organization, or an elementary or secondary school that is operated or funded by the Bureau of Indian Affairs shall be considered to be a local educational agency as such term is used in this part, subject to the following qualifications:

"(1) INDIAN TRIBE.—The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), that is recognized for the special programs and services provided by the United States to Indians because of their status as Indians.

"(2) TRIBALLY SANCTIONED EDUCATIONAL AUTHORITY.—The term 'tribally sanctioned educational authority' means—

"(A) any department or division of education operating within the administrative structure of the duly constituted governing body of an Indian tribe; and

"(B) any nonprofit institution or organization that is—

"(i) chartered by the governing body of an Indian tribe to operate any such school or otherwise to oversee the delivery of educational services to members of that tribe; and

"(ii) approved by the Secretary for the purpose of this section.

"(b) ELIGIBLE ENTITY APPLICATION.—Notwithstanding any other provision of this part, each eligible entity described in subsection (a) shall submit any application for assistance under this part directly to the Secretary along with timely comments on the need for the proposed program.

"SEC. 7105. RESIDENTS OF THE TERRITORIES AND FREELY ASSOCIATED NATIONS.

"For the purpose of carrying out programs under this part in the outlying areas, the term 'local educational agency' shall include public institutions or agencies whose mission is the preservation and maintenance of native languages.

"Subpart 1—Bilingual Education Capacity and Demonstration Grants

"SEC. 7111. FINANCIAL ASSISTANCE FOR BILINGUAL EDUCATION.

"The purpose of this subpart is to assist local educational agencies, institutions of higher education, and community-based organizations, through the grants authorized under sections 7112, 7113, 7114, and 7115 to—

"(1) develop and enhance their capacity to provide high-quality instruction through bilingual education or special alternative instruction programs to children and youth of limited English proficiency; and

"(2) to help such children and youth—

"(A) develop proficiency in English, and to the extent possible, their native language; and

"(B) meet the same challenging State content standards and challenging State student performance standards expected for all children and youth as required by section 1111(b).

"SEC. 7112. PROGRAM DEVELOPMENT AND IMPLEMENTATION GRANTS.

"(a) PURPOSE.—The purpose of this section is to develop and implement new comprehensive, coherent, and successful bilingual education or special alternative instructional programs for limited English proficient students, including programs of early childhood education, kindergarten through twelfth grade education, gifted and talented education, and vocational and applied technology education.

"(b) PROGRAM AUTHORIZED.—

"(1) AUTHORITY.—(A) The Secretary is authorized to award grants to eligible entities having applications approved under section 7116 to enable such entities to carry out activities described in paragraph (2).

"(B) Each grant under this section shall be awarded for a period of three years.

"(2) AUTHORIZED ACTIVITIES.—(A) Grants awarded under this section shall be used to improve the education of limited English proficient students and their families by—

"(i) developing and implementing comprehensive preschool, elementary, or secondary bilingual education or special alternative instructional programs that are coordinated with other relevant programs and services to meet the full range of educational needs of limited English proficient students; and

"(ii) providing inservice training to classroom teachers, administrators, and other school or community-based organizational personnel to improve the instruction and assessment of language-minority and limited English proficient students.

"(B) Grants under this section may be used to improve the education of limited English proficient students and their families by—

"(i) implementing family education programs and parent outreach and training activities designed to assist parents to become active participants in the education of their children;

"(ii) improving the instructional program for limited English proficient students by identifying, acquiring, and upgrading curriculum, instructional materials, educational software and assessment procedures and, if appropriate, applying educational technology;

"(iii) compensating personnel, including teacher aides who have been specifically trained, or are being trained, to provide services to children and youth of limited English proficiency;

"(iv) providing tutorials and academic or career counseling for children and youth of limited-English proficiency; and

"(v) providing such other activities, related to the purposes of this part, as the Secretary may approve.

"(c) ELIGIBLE ENTITY.—For the purpose of this section the term 'eligible entity' means—

"(1) one or more local educational agencies;

"(2) one or more local educational agencies in collaboration with an institution of higher education, community-based organization or local or State educational agency; or

"(3) a community-based organization or an institution of higher education which has an application approved by the local educational agency to develop and implement early childhood education or family education programs or to conduct an instructional program which supplements the educational services provided by a local educational agency.

"(d) DUE CONSIDERATION.—In awarding grants under this section, the Secretary shall give due consideration to the need for early childhood education, elementary education, and secondary education programs.

"SEC. 7113. PROGRAM ENHANCEMENT PROJECTS.

"(a) PURPOSE.—The purpose of this section is to carry out highly focused, innovative, locally designed projects to expand or enhance existing bilingual education or special alternative instructional programs for limited English proficient students.

"(b) PROGRAM AUTHORIZED.—

"(1) AUTHORITY.—(A) The Secretary is authorized to award grants to eligible entities having applications approved under section 7116 to enable such entities to carry out activities described in paragraph (2).

"(B) Each grant under this section shall be awarded for a period of two years.

"(2) AUTHORIZED ACTIVITIES.—(A) Grants under this section shall be used for providing inservice training to classroom teachers, administrators, and other school or community-based organization personnel to improve the instruction and assessment of language-minority and limited English proficient students.

"(B) Grants under this section may be used for—

"(i) implementing family education programs and parent outreach and training activities designed to assist parents to become active participants in the education of their children;

"(ii) improving the instructional program for limited English proficient students by identifying, acquiring, and upgrading curriculum, instructional materials, educational software and assessment procedures and, if appropriate, applying educational technology;

"(iii) compensating personnel, including teacher aides who have been specifically trained, or are being trained, to provide services to children and youth of limited-English proficiency;

"(iv) providing tutorials and academic or career counseling for children and youth of limited-English proficiency;

"(v) providing intensified instruction; and

"(vi) providing such other activities, related to the purposes of this part, as the Secretary may approve.

"(c) ELIGIBLE ENTITY.—For the purpose of this section the term 'eligible entity' means—

"(1) one or more local educational agencies;

"(2) one or more local educational agencies in collaboration with an institution of higher education, community-based organization or local or State educational agency; or

"(3) a community-based organization or an institution of higher education which has an application approved by the local educational agency to enhance early childhood education or family education programs or to conduct an instructional program which supplements the educational services provided by a local educational agency.

"SEC. 7114. COMPREHENSIVE SCHOOL GRANTS.

"(a) PURPOSE.—The purpose of this section is to provide financial assistance to eligible entities to implement schoolwide bilingual education programs or special alternative instruction programs for reforming, restructuring, and upgrading all relevant programs and operations, within an individual school, that serve all (or virtually all) children and youth of limited-English proficiency in schools with significant concentrations of such children and youth.

"(b) PROGRAM AUTHORIZED.—

"(1) AUTHORITY.—(A) The Secretary is authorized to award grants to eligible entities having applications approved under section 7116 to enable such entities to carry out activities described in paragraph (3).

"(B) Each grant under this section shall be awarded for five years.

"(2) TERMINATION.—The Secretary shall terminate grants to eligible entities under this section if the Secretary determines that—

"(A) the program evaluation required by section 7123 indicates that students in the schoolwide program are not being taught to and are not making adequate progress toward achieving challenging State content standards and challenging State student performance standards; or

"(B) in the case of a program to promote dual language facility, such program is not promoting such facility.

"(3) AUTHORIZED ACTIVITIES.—Grants under this section may be used to improve the education of limited English proficient students and their families by—

"(A) implementing family education programs and parent outreach and training activities designed to assist parents to become active participants in the education of their children;

"(B) improving the instructional program for limited English proficient students by identifying, acquiring and upgrading curriculum, instructional materials, educational software and assessment procedures and, if appropriate, applying educational technology;

"(C) compensating personnel, including teacher aides who have been specifically trained, or are being trained, to provide services to children and youth of limited English proficiency;

"(D) providing tutorials and academic or career counseling for children and youth of limited-English proficiency;

"(E) providing intensified instruction; and

"(F) providing such other activities, related to the purposes of this part, as the Secretary may approve.

"(4) SPECIAL RULE.—A grant recipient, before carrying out a program assisted under this section, shall plan, train personnel, develop curriculum, and acquire or develop materials.

"(c) ELIGIBLE ENTITIES.—For the purpose of this section the term 'eligible entity' means—

"(1) one or more local educational agencies; or

"(2) one or more local educational agencies in collaboration with an institution of higher education, community-based organizations or a local or State educational agency.

"SEC. 7115. SYSTEMWIDE IMPROVEMENT GRANTS.

"(a) PURPOSE.—The purpose of this section is to implement districtwide bilingual education programs or special alternative instruction programs to improve, reform, and upgrade relevant programs and operations, within an entire local educational agency, that serve a significant number of children and youth of limited English proficiency in local educational agencies with significant concentrations of such children and youth.

"(b) PROGRAM AUTHORIZED.—

"(1) AUTHORITY.—(A) The Secretary is authorized to award grants to eligible entities having applications approved under section 7116 to enable such entities to carry out activities described in paragraphs (3) and (4).

"(B) Each grant under this section shall be awarded for 5 years.

"(2) TERMINATION.—The Secretary shall terminate grants to eligible entities under this section if the Secretary determines that—

"(A) the program evaluation required by section 7123 indicates that students in the program are not being taught to and are not making adequate progress toward achieving challenging State content standards and challenging State student performance standards; or

"(B) in the case of a program to promote dual language facility, such program is not promoting such facility.

"(3) PREPARATION.—Grants under this section may be used during the first 12 months exclusively for activities preparatory to the delivery of services.

"(4) USES.—Grants under this section may be used to improve the education of limited English proficient students and their families by reviewing, restructuring, and upgrading—

"(A) educational goals, curriculum guidelines and content, standards and assessments;

"(B) personnel policies and practices including recruitment, certification, staff development, and assignment;

"(C) student grade-promotion and graduation requirements;

"(D) student assignment policies and practices;

"(E) family education programs and parent outreach and training activities designed to assist parents to become active participants in the education of their children;

"(F) the instructional program for limited English proficient students by identifying, acquiring and upgrading curriculum, instructional materials, educational software and assessment procedures and, if appropriate, applying educational technology;

"(G) tutorials ,and academic or career counseling for children and youth of limited-English proficiency; and

"(H) such other activities, related to the purposes of this part, as the Secretary may approve.

"(c) ELIGIBLE ENTITIES.—For the purpose of this section the term 'eligible entity' means—

"(1) one or more local educational agencies; or

"(2) one or more local educational agencies in collaboration with an institution of higher education, community-based organizations or a local or State educational agency.

"SEC. 7116. APPLICATIONS.

"(a) IN GENERAL.—

"(1) SECRETARY.—To receive a grant under this subpart, an eligible entity shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary may require.

"(2) STATE EDUCATIONAL AGENCY.—An eligible entity, with the exception of schools funded by the Bureau of Indian Affairs, shall submit a copy of its application under this section to the State educational agency.

"(b) STATE REVIEW AND COMMENTS.—

"(1) DEADLINE.—The State educational agency, not later than 45 days after receipt of an application under this section, shall review the application and transmit such application to the Secretary.

"(2) COMMENTS.—(A) Regarding any application submitted under this title, the State educational agency shall—

"(i) submit to the Secretary written comments regarding all such applications; and

"(ii) submit to each eligible entity the comments that pertain to such entity.

"(B) For purposes of this subpart, such comments shall address how the eligible entity—

"(i) will further the academic achievement of limited English proficient students served pursuant to a grant received under this subpart; and

"(ii) how the grant application is consistent with the State plan submitted under section 1111.

"(c) ELIGIBLE ENTITY COMMENTS.—An eligible entity may submit to the Secretary comments that address the comments submitted by the State educational agency.

"(d) COMMENT CONSIDERATION.—In making grants under this subpart the Secretary shall take into consideration comments made by a State educational agency.

"(e) WAIVER.—Notwithstanding subsection (b), the Secretary is authorized to waive the review requirement of subsection (b) if a

State educational agency can demonstrate that such review requirement may impede such agency's ability to fulfill the requirements of participation in the State grant program, particularly such agency's data collection efforts and such agency's ability to provide technical assistance to local educational agencies not receiving funds under this Act.

"(f) REQUIRED DOCUMENTATION.—Such application shall include documentation that the applicant has the qualified personnel required to develop, administer, and implement the proposed program.

"(g) CONTENTS.—

"(1) IN GENERAL.—An application for a grant under this subpart shall contain the following:

"(A) A description of the need for the proposed program, including data on the number of children and youth of limited-English proficiency in the school or school district to be served and the characteristics of such children and youth, such as language spoken, dropout rates, proficiency in English and the native language, academic standing in relation to the English-proficient peers of such children and youth, and, where applicable, the recency of immigration.

"(B) A description of the program to be implemented and how such program's design—

"(i) relates to the linguistic and academic needs of the children and youth of limited-English proficiency to be served;

"(ii) is coordinated with other programs under this Act, the Goals 2000: Educate America Act and other Acts, as appropriate, in accordance with section 14306;

"(iii) involves the parents of the children and youth of limited-English proficiency to be served;

"(iv) ensures accountability in achieving high academic standards; and

"(v) promotes coordination of services for the children and youth of limited-English proficiency to be served and their families.

"(C) A description, if appropriate, of the applicant's collaborative activities with institutions of higher education, community-based organizations, local or State educational agencies, private schools, nonprofit organizations, or businesses in carrying out the proposed program.

"(D) An assurance that the applicant will not reduce the level of State and local funds that the applicant expends for bilingual education or special alternative instruction programs if the applicant receives an award under this subpart.

"(E) An assurance that the applicant will employ teachers in the proposed program that, individually or in combination, are proficient in English, including written, as well as oral, communication skills.

"(F) A budget for grant funds.

"(2) ADDITIONAL INFORMATION.—Each application for a grant under section 7114 or 7115 shall—

"(A) describe–

"(i) current services the applicant provides to children and youth of limited-English proficiency;

"(ii) what services children and youth of limited-English proficiency will receive under the grant that such children or youth will not otherwise receive;

"(iii) how funds received under this subpart will be integrated with all other Federal, State, local, and private resources that may be used to serve children and youth of limited-English proficiency;

"(iv) specific achievement and school retention goals for the children and youth to be served by the proposed program and how progress toward achieving such goals will be measured; and

"(v) current family education programs if applicable; and

"(B) provide assurances that—

"(i) the program funded will be integrated with the overall educational program; and

"(ii) the application has been developed in consultation with an advisory council, the majority of whose members are parents and other representatives of the children and youth to be served in such programs.

"(h) APPROVAL OF APPLICATIONS.—*An application for a grant under this subpart may be approved only if the Secretary determines that—*

"(1) the program will use qualified personnel, including personnel who are proficient in the language or languages used for instruction;

"(2) in designing the program for which application is made, the needs of children in nonprofit private elementary and secondary schools have been taken into account through consultation with appropriate private school officials and, consistent with the number of such children enrolled in such schools in the area to be served whose educational needs are of the type and whose language and grade levels are of a similar type to those which the program is intended to address, after consultation with appropriate private school officials, provision has been made for the participation of such children on a basis comparable to that provided for public school children;

"(3) student evaluation and assessment procedures in the program are valid, reliable, and fair for limited English proficient students, and that limited English proficient students who are disabled are identified and served in accordance with the requirements of the Individuals with Disabilities Education Act;

"(4) Federal funds made available for the project or activity will be used so as to supplement the level of State and local funds that, in the absence of such Federal funds, would have been expended for special programs for children of limited English proficient individuals and in no case to supplant such State and local funds, except that nothing in this paragraph shall be construed to preclude a local educational agency from

using funds under this title for activities carried out under an order of a court of the United States or of any State respecting services to be provided such children, or to carry out a plan approved by the Secretary as adequate under title VI of the Civil Rights Act of 1964 with respect to services to be provided such children;

"(5) the assistance provided under the application will contribute toward building the capacity of the applicant to provide a program on a regular basis, similar to that proposed for assistance, which will be of sufficient size, scope, and quality to promise significant improvement in the education of students of limited-English proficiency, and that the applicant will have the resources and commitment to continue the program when assistance under this subpart is reduced or no longer available; and

"(6) the applicant provides for utilization of the State and national dissemination sources for program design and in dissemination of results and products.

"(i) PRIORITIES AND SPECIAL RULES.—

"(1) PRIORITY.—The Secretary shall give priority to applications which provide for the development of bilingual proficiency both in English and another language for all participating students.

"(2) SPECIAL ALTERNATIVE INSTRUCTIONAL PROGRAM.—Grants for special alternative instructional programs under this subpart shall not exceed 25 percent of the funds provided for any type of grant under any section, or of the total funds provided, under this subpart for any fiscal year.

"(3) SPECIAL RULE.—Notwithstanding paragraph (2), the Secretary may award grants under this subpart for special alternative instructional programs if an applicant has demonstrated that the applicant cannot develop and implement a bilingual education program for the following reasons:

"(A) Where the diversity of the limited English proficient students' native languages and the small number of students speaking each respective language makes bilingual education impractical.

"(B) Where, despite documented efforts, the applicant has not been able to hire qualified instructional personnel who are able to communicate in the students' native language.

"(4) CONSIDERATION.—In approving applications under this subpart, the Secretary shall give consideration to the degree to which the program for which assistance is sought involves the collaborative efforts of institutions of higher education, community-based organizations, the appropriate local and State educational agency, or businesses.

"(5) DUE CONSIDERATION.—The Secretary shall give due consideration to applications providing training for personnel participating in or preparing to participate in the program which will assist such personnel in meeting State and local certification requirements and that, to the extent possible, describe how college or university credit will be awarded for such training.

"SEC. 7117. INTENSIFIED INSTRUCTION.

"In carrying out this subpart, each grant recipient may intensify instruction for limited English proficient students by—

"(1) expanding the educational calendar of the school in which such student is enrolled to include programs before and after school and during the summer months;

"(2) expanding the use of professional and volunteer aids;

"(3) applying technology to the course of instruction; and

"(4) providing intensified instruction through supplementary instruction or activities, including educationally enriching extracurricular activities, during times when school is not routinely in session.

"SEC. 7118. CAPACITY BUILDING.

"Each recipient of a grant under this subpart shall use the grant in ways that will build such recipient's capacity to continue to offer high-quality bilingual and special alternative education programs and services to children and youth of limited-English proficiency once Federal assistance is reduced or eliminated.

"SEC. 7119. SUBGRANTS.

"A local educational agency that receives a grant under this subpart may, with the approval of the Secretary, make a subgrant to, or enter into a contract with, an institution of higher education, a nonprofit organization, or a consortium of such entities to carry out an approved program, including a program to serve out-of-school youth.

"SEC. 7120. PRIORITY ON FUNDING.

"The Secretary shall give priority to applications under this subpart that describe a program that—

"(1) enrolls a large percentage or large number of limited English proficient students;

"(2) takes into account significant increases in limited English proficient children and youth, including such children and youth in areas with low concentrations of such children and youth; and

"(3) ensures that activities assisted under this subpart address the needs of school systems of all sizes and geographic areas, including rural and urban schools.

"SEC. 7121. COORDINATION WITH OTHER PROGRAMS.

"In order to secure the most flexible and efficient use of Federal funds, any State receiving funds under this subpart shall coordinate its program with other programs under this Act, the Goals 2000: Educate America Act, and other Acts, as appropriate, in accordance with section 14306.

"SEC. 7122. PROGRAMS FOR NATIVE AMERICANS AND PUERTO RICO.

"Programs authorized under this part that serve Native American children, Native Pacific Island children, and children in the Commonwealth of Puerto Rico, notwithstanding any other provision of this part, may include programs of instruction, teacher training, curriculum development, evaluation, and testing designed for Native American children and youth learning and studying Native American languages and children and youth of limited-Spanish

proficiency, except that one outcome of such programs serving Native American children shall be increased English proficiency among such children.

"SEC. 7123. EVALUATIONS.

"(a) EVALUATION.—Each recipient of funds under this subpart shall provide the Secretary with an evaluation, in the form prescribed by the Secretary, of such recipient's program every two years.

"(b) USE OF EVALUATION.—Such evaluation shall be used by a grant recipient—

"(1) for program improvement;

"(2) to further define the program's goals and objectives; and

"(3) to determine program effectiveness.

"(c) EVALUATION COMPONENTS.—Evaluations shall include—

"(1) how students are achieving the State student performance standards, if any, including data comparing children and youth of limited-English proficiency with nonlimited English proficient children and youth with regard to school retention, academic achievement, and gains in English (and, where applicable, native language) proficiency;

"(2) program implementation indicators that provide information for informing and improving program management and effectiveness, including data on appropriateness of curriculum in relationship to grade and course requirements, appropriateness of program management, appropriateness of the program's staff professional development, and appropriateness of the language of instruction;

"(3) program context indicators that describe the relationship of the activities funded under the grant to the overall school program and other Federal, State, or local programs serving children and youth of limited English proficiency; and

"(4) such other information as the Secretary may require.

"SEC. 7124. CONSTRUCTION.

"Nothing in this part shall be construed to prohibit a local educational agency from serving limited English proficient children and youth simultaneously with students with similar educational needs, in the same educational settings where appropriate.

"Subpart 2—Research, Evaluation, and Dissemination

"SEC. 7131. AUTHORITY.

"(a) IN GENERAL.—The Secretary is authorized to conduct data collection, dissemination, research, and ongoing program evaluation activities in accordance with the provisions of this subpart for the purpose of improving bilingual education and special alternative instruction programs for children and youth of limited English proficiency.

"(b) COMPETITIVE AWARDS.—Research and program evaluation activities carried out under this subpart shall be supported through competitive grants, contracts and cooperative agreements awarded

institutions of higher education, nonprofit organizations, and State and local educational agencies.

"(c) ADMINISTRATION.—The Secretary shall conduct data collection, dissemination, and ongoing program evaluation activities authorized by this subpart through the Office of Bilingual Education and Minority Language Affairs.

"SEC. 7132. RESEARCH.

"(a) ADMINISTRATION.—The Secretary shall conduct research activities authorized by this subpart through the Office of Educational Research and Improvement in coordination and collaboration with the Office of Bilingual Education and Minority Language Affairs.

"(b) REQUIREMENTS.—Such research activities—

"(1) shall have a practical application to teachers, counselors, paraprofessionals, school administrators, parents, and others involved in improving the education of limited English proficient students and their families;

"(2) may include research on effective instructional practices for multilingual classes, and on effective instruction strategies to be used by teachers and other staff who do not know the native language of a limited English proficient child or youth in their classrooms;

"(3) may include establishing (through the National Center for Education Statistics in consultation with experts in bilingual education, second language acquisition, and English-as-a-second-language) a common definition of 'limited English proficient student' for purposes of national data collection; and

"(4) shall be administered by individuals with expertise in bilingual education and the needs of limited English proficient students and their families.

"(c) FIELD-INITIATED RESEARCH.—

"(1) IN GENERAL.—The Secretary shall reserve not less than 5 percent of the funds made available to carry out this section for field-initiated research conducted by current or recent recipients of grants under subpart 1 or 2 who have received such grants within the previous five years. Such research may provide for longitudinal studies of students or teachers in bilingual education, monitoring the education of such students from entry in bilingual education through secondary school completion.

"(2) APPLICATIONS.—Applicants for assistance under this subsection may submit an application for such assistance to the Secretary at the same time as applications are submitted under subpart 1 or 2. The Secretary shall complete a review of such applications on a timely basis to allow research and program grants to be coordinated when recipients are awarded two or more such grants.

"(d) CONSULTATION.—The Secretary shall consult with agencies and organizations that are engaged in bilingual education research and practice, or related research, and bilingual education researchers and practitioners to identify areas of study and activities to be funded under this section.

"(e) DATA COLLECTION.—The Secretary shall provide for the continuation of data collection on limited English proficient students as part of the data systems operated by the Department.

"SEC. 7133. ACADEMIC EXCELLENCE AWARDS.

"(a) AWARDS.—The Secretary may make grants to, and enter into contracts and cooperative agreements with, State and local educational agencies, nonprofit organizations, and institutions of higher education to promote the adoption and implementation of bilingual education, special alternative instruction programs, and professional development programs that demonstrate promise of assisting children and youth of limited English proficiency to meet challenging State standards.

"(b) APPLICATIONS.—

"(1) IN GENERAL.—Each entity desiring an award under this section shall submit an application to the Secretary in such form, at such time, and containing such information and assurances as the Secretary may reasonably require.

"(2) PEER REVIEW.—The Secretary shall use a peer review process, using effectiveness criteria that the Secretary shall establish, to review applications under this section.

"(c) USE OF FUNDS.—Funds under this section shall be used to enhance the capacity of States and local education agencies to provide high quality academic programs for children and youth of limited English proficiency, which may include—

"(1) completing the development of such programs;

"(2) professional development of staff participating in bilingual education programs;

"(3) sharing strategies and materials; and

"(4) supporting professional networks.

"(d) COORDINATION.—Recipients of funds under this section shall coordinate the activities assisted under this section with activities carried out by comprehensive regional assistance centers assisted under part A of title XIII.

"SEC. 7134. STATE GRANT PROGRAM.

"(a) STATE GRANT PROGRAM.—The Secretary is authorized to make an award to a State educational agency that demonstrates, to the satisfaction of the Secretary, that such agency, through such agency's own programs and other Federal education programs, effectively provides for the education of children and youth of limited English proficiency within the State.

"(b) PAYMENTS.—The amount paid to a State educational agency under subsection (a) shall not exceed 5 percent of the total amount awarded to local educational agencies within the State under subpart 1 for the previous fiscal year, except that in no case shall the amount paid by the Secretary to any State educational agency under this subsection for any fiscal year be less than $100,000.

"(c) USE OF FUNDS.—

"(1) IN GENERAL.—A State educational agency shall use funds awarded under this section for programs authorized by this section to—

"(A) assist local educational agencies in the State with program design, capacity building, assessment of student performance, and program evaluation; and

"(B) collect data on the State's limited English proficient populations and the educational programs and services available to such populations.

"(2) EXCEPTION.—States which do not, as of the date of enactment of the Improving America's Schools Act of 1994, have in place a system for collecting the data described in subparagraph (B) of paragraph (1) for all students in such State, are not required to meet the requirement of such subparagraph. In the event such State develops a system for collecting data on the educational programs and services available to all students in the State, then such State shall comply with the requirement of paragraph (1)(B).

"(3) TRAINING.—The State educational agency may also use funds provided under this section for the training of State educational agency personnel in educational issues affecting limited English proficient children and youth.

"(4) SPECIAL RULE.—Recipients of funds under this section shall not restrict the provision of services under this section to federally funded programs.

"(d) STATE CONSULTATION.—A State educational agency receiving funds under this section shall consult with recipients of grants under this title and other individuals or organizations involved in the development or operation of programs serving limited English proficient children or youth to ensure that such funds are used in a manner consistent with the requirements of this title.

"(e) APPLICATIONS.—A State educational agency desiring to receive funds under this section shall submit an application to the Secretary in such form, at such time, and containing such information and assurances as the Secretary may require.

"(f) SUPPLEMENT NOT SUPPLANT.—Funds made available under this section for any fiscal year shall be used by the State educational agency to supplement and, to the extent practical, to increase to the level of funds that would, in the absence of such funds, be made available by the State for the purposes described in this section, and in no case to supplant such funds.

"(g) REPORT TO THE SECRETARY.—State educational agencies receiving awards under this section shall provide for the annual submission of a summary report to the Secretary describing such State's use of such funds.

"SEC. 7135. NATIONAL CLEARINGHOUSE FOR BILINGUAL EDUCATION.

"(a) ESTABLISHMENT.—The Secretary shall establish and support the operation of a National Clearinghouse for Bilingual Education, which shall collect, analyze, synthesize, and disseminate information about bilingual education and related programs.

"(b) FUNCTIONS.—The National Clearinghouse for Bilingual Education shall—

"(1) be administered as an adjunct clearinghouse of the Educational Resources Information Center Clearinghouses system of clearinghouses supported by the Office of Educational Research and Improvement;

"(2) coordinate its activities with Federal data and information clearinghouses and dissemination networks and systems;

"(3) develop a data base management and monitoring system for improving the operation and effectiveness of federally funded bilingual education programs; and

"(4) develop, maintain, and disseminate, through comprehensive regional assistance centers described in part A of title XIII if appropriate, a listing by geographical area of education professionals, parents, teachers, administrators, community members and others who are native speakers of languages other than English for use as a resource by local educational agencies and schools in the development and implementation of bilingual education programs.

"SEC. 7136. INSTRUCTIONAL MATERIALS DEVELOPMENT.

"The Secretary may provide grants for the development, publication, and dissemination of high-quality instructional materials in Native American and Native Hawaiian languages and the language of Native Pacific Islanders and natives of the outlying areas for which instructional materials are not readily available. The Secretary shall give priority to the development of instructional materials in languages indigenous to the United States or the outlying areas. The Secretary shall also accord priority to applications for assistance under this section which provide for developing and evaluating materials in collaboration with activities assisted under subparts 1 and 2 and which are consistent with voluntary national content standards and challenging State content standards.

"Subpart 3—Professional Development

"SEC. 7141. PURPOSE.

"The purpose of this subpart is to assist in preparing educators to improve the educational services for limited English proficient children and youth by supporting professional development programs and the dissemination of information on appropriate instructional practices for such children and youth.

"SEC. 7142. TRAINING FOR ALL TEACHERS PROGRAM.

"(a) PURPOSE.—The purpose of this section is to provide for the incorporation of courses and curricula on appropriate and effective instructional and assessment methodologies, strategies and resources specific to limited English proficient students into preservice and inservice professional development programs for teachers, pupil services personnel, administrators and other education personnel in order to prepare such individuals to provide effective services to limited English proficient students.

"(b) AUTHORIZATION.—

"(1) AUTHORITY.—The Secretary is authorized to award grants to institutions of higher education, local educational agencies, and State educational agencies or to nonprofit organizations which have entered into consortia arrangements with one of such institutions or agencies.

"(2) DURATION.—Each grant under this section shall be awarded for a period of not more than five years.

"(c) PERMISSIBLE ACTIVITIES.—Activities conducted under this section may include the development of training programs in collaboration with other programs such as programs authorized under titles I and II of this Act, and under the Head Start Act.

“SEC. 7143. BILINGUAL EDUCATION TEACHERS AND PERSONNEL GRANTS.

“(a) Purpose.—The purpose of this section is to provide for—

“(1) preservice and inservice professional development for bilingual education teachers, administrators, pupil services personnel, and other educational personnel who are either involved in, or preparing to be involved in, the provision of educational services for children and youth of limited-English proficiency; and

“(2) national professional development institutes that assist schools or departments of education in institutions of higher education to improve the quality of professional development programs for personnel serving, preparing to serve, or who may serve, children and youth of limited-English proficiency.

“(b) Priority.—The Secretary shall give priority in awarding grants under this section to institutions of higher education, in consortia with local or State educational agencies, that offer degree programs which prepare new bilingual education teachers in order to increase the availability of educators to provide high-quality education to limited English proficient students.

“(c) Authorization.—

“(1) The Secretary is authorized to award grants for not more than five years to institutions of higher education which have entered into consortia arrangements with local or State educational agencies to achieve the purposes of this section.

“(2) The Secretary is authorized to make grants for not more than five years to State and local educational agencies for inservice professional development programs.

“SEC. 7144. BILINGUAL EDUCATION CAREER LADDER PROGRAM.

“(a) Purpose.—The purpose of this section is—

“(1) to upgrade the qualifications and skills of noncertified educational personnel, especially educational paraprofessionals, to meet high professional standards, including certification and licensure as bilingual education teachers and other educational personnel who serve limited-English proficient students, through collaborative training programs operated by institutions of higher education and local and State educational agencies; and

“(2) to help recruit and train secondary school students as bilingual education teachers and other educational personnel to serve limited English proficient students.

“(b) Authorization.—

“(1) In general.—The Secretary is authorized to award grants for bilingual education career ladder programs to institutions of higher education applying in consortia with local or State educational agencies, which consortia may include community-based organizations or professional education organizations.

“(2) Duration.—Each grant under this section shall be awarded for a period of not more than five years.

“(c) Permissive Activities.—Grants awarded under this section may be used—

"(1) for the development of bilingual education career ladder program curricula appropriate to the needs of the consortium participants;

"(2) to provide assistance for stipends and costs related to tuition, fees and books for enrolling in courses required to complete the degree and certification requirements to become bilingual education teachers; and

"(3) for programs to introduce secondary school students to careers in bilingual education teaching that are coordinated with other activities assisted under this section.

"(d) SPECIAL CONSIDERATION.—The Secretary shall give special consideration to applications under this section which provide for—

"(1) participant completion of baccalaureate and master's degree teacher education programs, and certification requirements and may include effective employment placement activities;

"(2) development of teacher proficiency in English and a second language, including demonstrating proficiency in the instructional use of English and, as appropriate, a second language in classroom contexts;

"(3) coordination with the Federal TRIO programs under chapter 1 of part A of title IV of the Higher Education Act of 1965, the National Mini Corps under subpart 1 of part F of title V of such Act, the Teacher Corps program under subpart 3 of part C of title V of such Act, and the National Community and Service Trust Act of 1993 programs, and other programs for the recruitment and retention of bilingual students in secondary and postsecondary programs to train to become bilingual educators; and

"(4) the applicant's contribution of additional student financial aid to participating students.

"SEC. 7145. GRADUATE FELLOWSHIPS IN BILINGUAL EDUCATION PROGRAM.

"(a) AUTHORIZATION.—

"(1) IN GENERAL.—The Secretary may award fellowships for masters, doctoral, and post-doctoral study related to instruction of children and youth of limited-English proficiency in such areas as teacher training, program administration, research and evaluation, and curriculum development, and for the support of dissertation research related to such study.

"(2) NUMBER.—For fiscal year 1994 not less than 500 fellowships leading to a master's or doctorate degree shall be awarded under this section.

"(3) INFORMATION.—The Secretary shall include information on the operation and the number of fellowships awarded under the fellowship program in the evaluation required under section 7149.

"(b) FELLOWSHIP REQUIREMENTS.—

"(1) IN GENERAL.—Any person receiving a fellowship under this section shall agree to—

"(A) work in an activity related to the program or in an activity such as an activity authorized under this part,

including work as a bilingual education teacher, for a period of time equivalent to the period of time during which such person receives assistance under this section; or

"(B) repay such assistance.

"(2) REGULATIONS.—The Secretary shall establish in regulations such terms and conditions for such agreement as the Secretary deems reasonable and necessary and may waive the requirement of paragraph (1) in extraordinary circumstances.

"(c) PRIORITY.—In awarding fellowships under this section the Secretary may give priority to institutions of higher education that demonstrate experience in assisting fellowship recipients find employment in the field of bilingual education.

"SEC. 7146. APPLICATION.

"(a) IN GENERAL.—

"(1) SECRETARY.—To receive an award under this subpart, an eligible entity shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary may require.

"(2) CONSULTATION AND ASSESSMENT.—Each such application shall contain a description of how the applicant has consulted with, and assessed the needs of, public and private schools serving children and youth of limited-English proficiency to determine such school's need for, and the design of, the program for which funds are sought.

"(3) SPECIAL RULE.—(A) An application for a grant under subsection (a) from an applicant who proposes to conduct a master's- or doctoral-level program with funds received under this section shall provide an assurance that such program will include, as a part of the program, a training practicum in a local school program serving children and youth of limited-English proficiency.

"(B) A recipient of a grant under subsection (a) may waive the requirement of a training practicum for a degree candidate with significant experience in a local school program serving children and youth of limited-English proficiency.

"(4) STATE EDUCATIONAL AGENCY.—An eligible entity, with the exception of schools funded by the Bureau of Indian Affairs, shall submit a copy of the application under this subsection to the State educational agency.

"(b) STATE REVIEW AND COMMENTS.—

"(1) DEADLINE.—The State educational agency, not later than 45 days after receipt of such application copy, shall review the application and transmit such application to the Secretary.

"(2) COMMENTS.—(A) Regarding any application submitted under this subpart, the State educational agency shall—

"(i) submit to the Secretary written comments regarding all such applications; and

"(ii) submit to each eligible entity the comments that pertain to such entity.

"(B) For purposes of this subpart, comments shall address how the eligible entity—

"(i) will further the academic achievement of limited English proficient students served pursuant to a grant received under this subpart; and

"(ii) how the grant application is consistent with the State plan submitted under section 1111.

"(3) Waiver.—Notwithstanding paragraphs (1) and (2), the Secretary is authorized to waive the review requirement if a State educational agency can demonstrate that such review requirement may impede such agency's ability to fulfill the requirements of participation in the State grant program, particularly such agency's data collection efforts and such agency's ability to provide technical assistance to local educational agencies not receiving funds under this Act.

"(c) Eligible Entity Comments.—An eligible entity may submit to the Secretary comments that address the comments submitted by the State educational agency.

"(d) Comment Consideration.—In making awards under this subpart the Secretary shall take into consideration comments made by a State educational agency.

"(e) Special Rule.—

"(1) Outreach and technical assistance.—The Secretary shall provide for outreach and technical assistance to institutions of higher education eligible for assistance under title III of the Higher Education Act of 1965 and institutions of higher education that are operated or funded by the Bureau of Indian Affairs to facilitate the participation of such institutions in activities under this part.

"(2) Distribution rule.—In making awards under this subpart, the Secretary, consistent with subsection (d), shall ensure adequate representation of Hispanic-serving institutions that demonstrate competence and experience in the programs and activities authorized under this subpart and are otherwise qualified.

"SEC. 7147. PROGRAM REQUIREMENTS.

"Activities conducted under this subpart shall assist educational personnel in meeting State and local certification requirements for bilingual education and, wherever possible, shall lead toward the awarding of college or university credit.

"SEC. 7148. STIPENDS.

"The Secretary shall provide for the payment of such stipends (including allowances for subsistence and other expenses for such persons and their dependents), as the Secretary determines to be appropriate, to persons participating in training programs under this subpart.

"SEC. 7149. PROGRAM EVALUATIONS.

"Each recipient of funds under this subpart shall provide the Secretary with an evaluation of the program assisted under this subpart every two years. Such evaluation shall include data on—

"(1) post-program placement of persons trained in a program assisted under this subpart;

"(2) how the training relates to the employment of persons served by the program;

"(3) program completion; and

"(4) such other information as the Secretary may require.

“SEC. 7150. USE OF FUNDS FOR SECOND LANGUAGE COMPETENCE.

“Awards under this subpart may be used to develop a program participant's competence in a second language for use in instructional programs.

“Subpart 4—Transition

“SEC. 7161. SPECIAL RULE.

“Notwithstanding any other provision of law, no recipient of a grant under title VII of this Act (as such title was in effect on the day preceding the date of enactment of the Improving America's Schools Act of 1994) shall be eligible for fourth- and fifth-year renewals authorized by section 7021(d)(1)(C) of such title (as such section was in effect on the day preceding the date of enactment of such Act).

“PART B—FOREIGN LANGUAGE ASSISTANCE PROGRAM

“SEC. 7201. SHORT TITLE.

“This part may be cited as the 'Foreign Language Assistance Act of 1994'.

“SEC. 7202. FINDINGS.

“The Congress finds as follows:

“(1) Foreign language proficiency is crucial to our Nation's economic competitiveness and national security. Significant improvement in the quantity and quality of foreign language instruction offered in our Nation's elementary and secondary schools is necessary.

“(2) All Americans need a global perspective. To understand the world around us, we must acquaint ourselves with the languages, cultures, and history of other nations.

“(3) Proficiency in two or more languages should be promoted for all American students. Multilingualism enhances cognitive and social growth, competitiveness in the global marketplace, national security, and understanding of diverse people and cultures.

“(4) The United States lags behind other developed countries in offering foreign language study to elementary and secondary school students.

“(5) Four out of five new jobs in the United States are created from foreign trade.

“(6) The optimum time to begin learning a second language is in elementary school, when children have the ability to learn and excel in several foreign language acquisition skills, including pronunciation, and when children are most open to appreciating and valuing a culture other than their own.

“(7) Foreign language study can increase childrens' capacity for critical and creative thinking skills and children who study a second language show greater cognitive development in areas such as mental flexibility, creativity, tolerance, and higher order thinking skills.

"(8) Children who have studied a foreign language in elementary school achieve expected gains and score higher on standardized tests of reading, language arts, and mathematics than children who have not studied a foreign language.

"SEC. 7203. PROGRAM AUTHORIZED.

"(a) PROGRAM AUTHORITY.—

"(1) IN GENERAL.—The Secretary shall make grants, on a competitive basis, to State educational agencies or local educational agencies to pay the Federal share of the cost of innovative model programs providing for the establishment, improvement or expansion of foreign language study for elementary and secondary school students.

"(2) DURATION.—Each grant under paragraph (1) shall be awarded for a period of three years.

"(b) REQUIREMENTS.—

"(1) GRANTS TO STATE EDUCATIONAL AGENCIES.—In awarding a grant under subsection (a) to a State educational agency, the Secretary shall support programs that promote systemic approaches to improving foreign language learning in the State.

"(2) GRANTS TO LOCAL EDUCATIONAL AGENCIES.—In awarding a grant under subsection (a) to a local educational agency, the Secretary shall support programs that—

"(A) show the promise of being continued beyond the grant period;

"(B) demonstrate approaches that can be disseminated and duplicated in other local educational agencies; and

"(C) may include a professional development component.

"(c) FEDERAL SHARE.—

"(1) IN GENERAL.—The Federal share for each fiscal year shall be 50 percent.

"(2) WAIVER.—The Secretary may waive the requirement of paragraph (1) for any local educational agency which the Secretary determines does not have adequate resources to pay the non-Federal share of the cost of the activities assisted under this part.

"(3) SPECIAL RULE.—Not less than three-fourths of the funds appropriated under section 7206 shall be used for the expansion of foreign language learning in the elementary grades.

"(4) RESERVATION.—The Secretary may reserve not more than 5 percent of funds appropriated under section 7206 to evaluate the efficacy of programs under this part.

"SEC. 7204. APPLICATIONS.

"(a) IN GENERAL.—Any State educational agency or local educational agency desiring a grant under this part shall submit an application to the Secretary at such time, in such form, and containing such information and assurances as the Secretary may require.

"(b) SPECIAL CONSIDERATION.—The Secretary shall give special consideration to applications describing programs that—

"(1) include intensive summer foreign language programs for professional development;

"(2) link non-native English speakers in the community with the schools in order to promote two-way language learning; or

"(3) promote the sequential study of a foreign language for students, beginning in elementary schools.

"SEC. 7205. ELEMENTARY SCHOOL FOREIGN LANGUAGE INCENTIVE PROGRAM.

"(a) INCENTIVE PAYMENTS.—From amounts appropriated under section 7206 the Secretary shall make an incentive payment for each fiscal year to each public elementary school that provides to students attending such school a program designed to lead to communicative competency in a foreign language.

"(b) AMOUNT.—The Secretary shall determine the amount of the incentive payment under subsection (a) for each public elementary school for each fiscal year on the basis of the number of students participating in a program described in such subsection at such school for such year compared to the total number of such students at all such schools in the United States for such year.

"(c) REQUIREMENT.—The Secretary shall consider a program to be designed to lead to communicative competency in a foreign language if such program is comparable to a program that provides not less than 45 minutes of instruction in a foreign language not less than four days per week throughout an academic year.

"SEC. 7206. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated $35,000,000 for the fiscal year 1995, and such sums as may be necessary for each of the four succeeding fiscal years, to carry out this part, of which not more than $20,000,000 may be used in each fiscal year to carry out section 7205.

"PART C—EMERGENCY IMMIGRANT EDUCATION PROGRAM

"SEC. 7301. FINDINGS AND PURPOSE.

"(a) FINDINGS.—The Congress finds that—

"(1) the education of our Nation's children and youth is one of the most sacred government responsibilities;

"(2) local educational agencies have struggled to fund adequately education services;

"(3) in the case of Plyler v. Doe, the Supreme Court held that States have a responsibility under the Equal Protection Clause of the Constitution to educate all children, regardless of immigration status; and

"(4) immigration policy is solely a responsibility of the Federal Government.

"(b) PURPOSE.—The purpose of this part is to assist eligible local educational agencies that experience unexpectedly large increases in their student population due to immigration to—

"(1) provide high-quality instruction to immigrant children and youth; and

"(2) help such children and youth—

"(A) with their transition into American society; and

"(B) meet the same challenging State performance standards expected of all children and youth.

"SEC. 7302. STATE ADMINISTRATIVE COSTS.

"For any fiscal year, a State educational agency may reserve not more than 1.5 percent of the amount allocated to such agency under section 7304 to pay the costs of performing such agency's administrative functions under this part.

"SEC. 7303. WITHHOLDING.

"Whenever the Secretary, after providing reasonable notice and opportunity for a hearing to any State educational agency, finds that there is a failure to meet the requirement of any provision of this part, the Secretary shall notify that agency that further payments will not be made to the agency under this part, or in the discretion of the Secretary, that the State educational agency shall not make further payments under this part to specified local educational agencies whose actions cause or are involved in such failure until the Secretary is satisfied that there is no longer any such failure to comply. Until the Secretary is so satisfied, no further payments shall be made to the State educational agency under this part, or payments by the State educational agency under this part shall be limited to local educational agencies whose actions did not cause or were not involved in the failure, as the case may be.

"SEC. 7304. STATE ALLOCATIONS.

"(a) PAYMENTS.—The Secretary shall, in accordance with the provisions of this section, make payments to State educational agencies for each of the fiscal years 1995 through 1999 for the purpose set forth in section 7301(b).

"(b) ALLOCATIONS.—

"(1) IN GENERAL.—Except as provided in subsections (c) and (d), of the amount appropriated for each fiscal year for this part, each State participating in the program assisted under this part shall receive an allocation equal to the proportion of such State's number of immigrant children and youth who are enrolled in public elementary or secondary schools under the jurisdiction of each local educational agency described in paragraph (2) within such State, and in nonpublic elementary or secondary schools within the district served by each such local educational agency, relative to the total number of immigrant children and youth so enrolled in all the States participating in the program assisted under this part.

"(2) ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—The local educational agencies referred to in paragraph (1) are those local educational agencies in which the sum of the number of immigrant children and youth who are enrolled in public elementary or secondary schools under the jurisdiction of such agencies, and in nonpublic elementary or secondary schools within the districts served by such agencies, during the fiscal year for which the payments are to be made under this part, is equal to—

"(A) at least 500; or

"(B) at least 3 percent of the total number of students enrolled in such public or nonpublic schools during such fiscal year,

whichever number is less.

"(c) DETERMINATIONS OF NUMBER OF CHILDREN AND YOUTH.—

"(1) IN GENERAL.—Determinations by the Secretary under this section for any period with respect to the number of immigrant children and youth shall be made on the basis of data or estimates provided to the Secretary by each State educational agency in accordance with criteria established by the Secretary, unless the Secretary determines, after notice and opportunity for a hearing to the affected State educational agency, that such data or estimates are clearly erroneous.

"(2) SPECIAL RULE.—No such determination with respect to the number of immigrant children and youth shall operate because of an underestimate or overestimate to deprive any State educational agency of the allocation under this section that such State would otherwise have received had such determination been made on the basis of accurate data.

"(d) REALLOCATION.—Whenever the Secretary determines that any amount of a payment made to a State under this part for a fiscal year will not be used by such State for carrying out the purpose for which the payment was made, the Secretary shall make such amount available for carrying out such purpose to one or more other States to the extent the Secretary determines that such other States will be able to use such additional amount for carrying out such purpose. Any amount made available to a State from any appropriation for a fiscal year in accordance with the preceding sentence shall, for purposes of this part, be regarded as part of such State's payment (as determined under subsection (b)) for such year, but shall remain available until the end of the succeeding fiscal year.

"(e) RESERVATION OF FUNDS.—

"(1) IN GENERAL.—Notwithstanding any other provision of this part, if the amount appropriated to carry out this part exceeds $50,000,000 for a fiscal year, a State educational agency may reserve not more than 20 percent of such agency's payment under this part for such year to award grants, on a competitive basis, to local educational agencies within the State as follows:

"(A) At least one-half of such grants shall be made available to eligible local educational agencies (as described in subsection (b)(2)) within the State with the highest numbers and percentages of immigrant children and youth.

"(B) Funds reserved under this paragraph and not made available under subparagraph (A) may be distributed to local educational agencies within the State experiencing a sudden influx of immigrant children and youth which are otherwise not eligible for assistance under this part.

"(2) USE OF GRANT FUNDS.—Each local educational agency receiving a grant under paragraph (1) shall use such grant funds to carry out the activities described in section 7307.

"(3) INFORMATION.—Local educational agencies with the highest number of immigrant children and youth receiving funds under paragraph (1) may make information available on serving immigrant children and youth to local educational agencies in the State with sparse numbers of such children.

"SEC. 7305. STATE APPLICATIONS.

"(a) SUBMISSION.—No State educational agency shall receive any payment under this part for any fiscal year unless such agency submits an application to the Secretary at such time, in such manner, and containing or accompanied by such information, as the Secretary may reasonably require. Each such application shall—

"(1) provide that the educational programs, services, and activities for which payments under this part are made will be administered by or under the supervision of the agency;

"(2) provide assurances that payments under this part will be used for purposes set forth in sections 7301 and 7307, including a description of how local educational agencies receiving funds under this part will use such funds to meet such purposes and will coordinate with other programs assisted under this Act, the Goals 2000: Educate America Act, and other Acts as appropriate;

"(3) provide an assurance that local educational agencies receiving funds under this part will coordinate the use of such funds with programs assisted under part A or title I;

"(4) provide assurances that such payments, with the exception of payments reserved under section 7304(e), will be distributed among local educational agencies within that State on the basis of the number of immigrant children and youth counted with respect to each such local educational agency under section 7304(b)(1);

"(5) provide assurances that the State educational agency will not finally disapprove in whole or in part any application for funds received under this part without first affording the local educational agency submitting an application for such funds reasonable notice and opportunity for a hearing;

"(6) provide for making such reports as the Secretary may reasonably require to perform the Secretary's functions under this part;

"(7) provide assurances—

"(A) that to the extent consistent with the number of immigrant children and youth enrolled in the nonpublic elementary or secondary schools within the district served by a local educational agency, such agency, after consultation with appropriate officials of such schools, shall provide for the benefit of such children and youth secular, neutral, and nonideological services, materials, and equipment necessary for the education of such children and youth;

"(B) that the control of funds provided under this part to any materials, equipment, and property repaired, remodeled, or constructed with those funds shall be in a public agency for the uses and purposes provided in this part, and a public agency shall administer such funds and property; and

"(C) that the provision of services pursuant to this paragraph shall be provided by employees of a public agency or through contract by such public agency with a person, association, agency, or corporation who or which, in the provision of such services, is independent of such nonpublic

elementary or secondary school and of any religious organization, and such employment or contract shall be under the control and supervision of such public agency, and the funds provided under this paragraph shall not be commingled with State or local funds;

"(8) provide that funds reserved under subsection (e) of section 7304 be awarded on a competitive basis based on merit and need in accordance with such subsection; and

"(9) provide an assurance that State and local educational agencies receiving funds under this part will comply with the requirements of section 1120(b).

"(b) APPLICATION REVIEW.—

"(1) IN GENERAL.—The Secretary shall review all applications submitted pursuant to this section by State educational agencies.

"(2) APPROVAL.—The Secretary shall approve any application submitted by a State educational agency that meets the requirements of this section.

"(3) DISAPPROVAL.—The Secretary shall disapprove any application submitted by a State educational agency which does not meet the requirements of this section, but shall not finally disapprove an application except after providing reasonable notice, technical assistance, and an opportunity for a hearing to the State.

"SEC. 7306. ADMINISTRATIVE PROVISIONS.

"(a) NOTIFICATION OF AMOUNT.—The Secretary, not later than June 1 of each year, shall notify each State educational agency that has an application approved under section 7305 of the amount of such agency's allocation under section 7304 for the succeeding year.

"(b) SERVICES TO CHILDREN ENROLLED IN NONPUBLIC SCHOOLS.—If by reason of any provision of law a local educational agency is prohibited from providing educational services for children enrolled in elementary and secondary nonpublic schools, as required by section 7305(a)(7), or if the Secretary determines that a local educational agency has substantially failed or is unwilling to provide for the participation on an equitable basis of children enrolled in such schools, the Secretary may waive such requirement and shall arrange for the provision of services, subject to the requirements of this part, to such children. Such waivers shall be subject to consultation, withholding, notice, and judicial review requirements in accordance with the provisions of title I.

"SEC. 7307. USES OF FUNDS.

"(a) USE OF FUNDS.—Funds awarded under this part shall be used to pay for enhanced instructional opportunities for immigrant children and youth, which may include—

"(1) family literacy, parent outreach, and training activities designed to assist parents to become active participants in the education of their children;

"(2) salaries of personnel, including teacher aides who have been specifically trained, or are being trained, to provide services to immigrant children and youth;

"(3) tutorials, mentoring, and academic or career counseling for immigrant children and youth;

"(4) identification and acquisition of curricular materials, educational software, and technologies to be used in the program;

"(5) basic instructional services which are directly attributable to the presence in the school district of immigrant children, including the costs of providing additional classroom supplies, overhead costs, costs of construction, acquisition or rental of space, costs of transportation, or such other costs as are directly attributable to such additional basic instructional services; and

"(6) such other activities, related to the purposes of this part, as the Secretary may authorize.

"(b) CONSORTIA.—A local educational agency that receives a grant under this part may collaborate or form a consortium with one or more local educational agencies, institutions of higher education, and nonprofit organizations to carry out the program described in an application approved under this part.

"(c) SUBGRANTS.—A local educational agency that receives a grant under this part may, with the approval of the Secretary, make a subgrant to, or enter into a contract with, an institution of higher education, a nonprofit organization, or a consortium of such entities to carry out a program described in an application approved under this part, including a program to serve out-of-school youth.

"(d) CONSTRUCTION.—Nothing in this part shall be construed to prohibit a local educational agency from serving immigrant children simultaneously with students with similar educational needs, in the same educational settings where appropriate.

"SEC. 7308. REPORTS.

"(a) BIENNIAL REPORT.—Each State educational agency receiving funds under this part shall submit, once every two years, a report to the Secretary concerning the expenditure of funds by local educational agencies under this part. Each local educational agency receiving funds under this part shall submit to the State educational agency such information as may be necessary for such report.

"(b) REPORT TO CONGRESS.—The Secretary shall submit, once every two years, a report to the appropriate committees of the Congress concerning programs assisted under this part in accordance with section 14701.

"SEC. 7309. AUTHORIZATION OF APPROPRIATIONS.

"For the purpose of carrying out this part, there are authorized to be appropriated $100,000,000 for fiscal year 1995 and such sums as may be necessary for each of the four succeeding fiscal years.

"PART D—ADMINISTRATION

"SEC. 7401. RELEASE TIME.

"The Secretary shall allow professional development programs funded under part A to use funds provided under part A for professional release time to enable individuals to participate in programs assisted under part A.

"SEC. 7402. EDUCATION TECHNOLOGY.

"Funds made available under part A may be used to provide for the acquisition or development of education technology or instructional materials, including authentic materials in languages other than English, access to and participation in electronic networks for materials, training and communications, and incorporation of such resources in curricula and programs such as those funded under this title.

"SEC. 7403. NOTIFICATION.

"The State educational agency, and when applicable, the State board for postsecondary education, shall be notified within three working days of the date an award under part A is made to an eligible entity within the State.

"SEC. 7404. CONTINUED ELIGIBILITY.

"Entities receiving grants under this title shall remain eligible for grants for subsequent activities which extend or expand and do not duplicate those activities supported by a previous grant under this title. In considering applications for grants under this title, the Secretary shall take into consideration the applicant's record of accomplishments under previous grants under this title.

"SEC. 7405. COORDINATIONS AND REPORTING REQUIREMENTS.

"(a) COORDINATION WITH RELATED PROGRAMS.—In order to maximize Federal efforts aimed at serving the educational needs of children and youth of limited-English proficiency, the Secretary shall coordinate and ensure close cooperation with other programs serving language-minority and limited English proficient students that are administered by the Department and other agencies. The Secretary shall consult with the Secretary of Labor, the Secretary of Health and Human Services, the Secretary of Agriculture, the Attorney General and the heads of other relevant agencies to identify and eliminate barriers to appropriate coordination of programs that affect language-minority and limited English proficient students and their families. The Secretary shall provide for continuing consultation and collaboration, between the Office and relevant programs operated by the Department, including programs under title I and other programs under this Act, in planning, contracts, providing joint technical assistance, providing joint field monitoring activities and in other relevant activities to ensure effective program coordination to provide high quality education opportunities to all language-minority and limited English proficient students.

"(b) DATA.—The Secretary shall, to the extent feasible, ensure that all data collected by the Department shall include the collection and reporting of data on limited English proficient students.

"(c) PUBLICATION OF PROPOSALS.—The Secretary shall publish and disseminate all requests for proposals for programs funded under part A.

"(d) REPORT.—The Director shall prepare and, not later than February 1 of every other year, shall submit to the Secretary and to the Committee on Labor and Human Resources of the Senate and to the Committee on Education and Labor of the House of Representatives a report on—

"(1) the activities carried out under this title and the effectiveness of such activities in improving the education provided to limited English proficient children and youth;

"(2) a critical synthesis of data reported by the States pursuant to section 7134;

"(3) an estimate of the number of certified bilingual education personnel in the field and an estimate of the number of bilingual education teachers which will be needed for the succeeding five fiscal years;

"(4) the major findings of research carried out under this title; and

"(5) recommendations for further developing the capacity of our Nation's schools to educate effectively limited English proficient students.

"PART E—GENERAL PROVISIONS

"SEC. 7501. DEFINITIONS; REGULATIONS.

"Except as otherwise provided, for purposes of this title—

"(1) BILINGUAL EDUCATION PROGRAM.—The term 'bilingual education program' means an educational program for limited English proficient students that—

"(A) makes instructional use of both English and a student's native language;

"(B) enables limited English proficient students to achieve English proficiency and academic mastery of subject matter content and higher order skills, including critical thinking, so as to meet age-appropriate grade-promotion and graduation standards in concert with the National Education Goals;

"(C) may also develop the native language skills of limited English proficient students, or ancestral languages of American Indians, Alaska Natives, Native Hawaiians and native residents of the outlying areas; and

"(D) may include the participation of English-proficient students if such program is designed to enable all enrolled students to become proficient in English and a second language.

"(2) CHILDREN AND YOUTH.—The term 'children and youth' means individuals aged 3 through 21.

"(3) COMMUNITY-BASED ORGANIZATION.—The term 'community-based organization' means a private nonprofit organization of demonstrated effectiveness or Indian tribe or tribally sanctioned educational authority which is representative of a community or significant segments of a community and which provides educational or related services to individuals in the community. Such term includes Native Hawaiian organizations including Native Hawaiian Educational Organizations as such term is defined in section 4009 of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 (20 U.S.C. 4901 et seq.), as such Act was in effect on the day preceding the date of enactment of the Improving America's Schools Act of 1994.

"(4) COMMUNITY COLLEGE.—The term 'community college' means an institution of higher education as defined in section 1201(a) of the Higher Education Act of 1965 which provides not less than a two-year program which is acceptable for full credit toward a bachelor's degree, including institutions receiving assistance under the Tribally Controlled Community College Assistance Act of 1978.

"(5) DIRECTOR.—The term 'Director' means the Director of the Office of Bilingual Education and Minority Languages Affairs established under section 210 of the Department of Education Organization Act.

"(6) FAMILY EDUCATION PROGRAM.—(A) The term 'family education program' means a bilingual education or special alternative instructional program that—

"(i) is designed—

"(I) to help limited English proficient adults and out-of-school youths achieve proficiency in the English language; and

"(II) to provide instruction on how parents and family members can facilitate the educational achievement of their children;

"(ii) when feasible, uses instructional programs such as the models developed under the Even Start Family Literacy Programs, which promote adult literacy and train parents to support the educational growth of their children and the Parents as Teachers Program and the Home Instruction Program for Preschool Youngsters; and

"(iii) gives preference to participation by parents and immediate family members of children attending school.

"(B) Such term may include programs that provide instruction to facilitate higher education and employment outcomes.

"(7) IMMIGRANT CHILDREN AND YOUTH.—The term 'immigrant children and youth' means individuals who—

"(A) are aged 3 through 21;

"(B) were not born in any State; and

"(C) have not been attending one or more schools in any one or more States for more than three full academic years.

"(8) LIMITED ENGLISH PROFICIENCY AND LIMITED ENGLISH PROFICIENT.—The terms 'limited English proficiency' and 'limited English proficient', when used with reference to an individual, mean an individual—

"(A) who—

"(i) was not born in the United States or whose native language is a language other than English and comes from an environment where a language other than English is dominant; or

"(ii) is a Native American or Alaska Native or who is a native resident of the outlying areas and comes from an environment where a language other than English has had a significant impact on such individual's level of English language proficiency; or

“(iii) is migratory and whose native language is other than English and comes from an environment where a language other than English is dominant; and

“(B) who has sufficient difficulty speaking, reading, writing, or understanding the English language and whose difficulties may deny such individual the opportunity to learn successfully in classrooms where the language of instruction is English or to participate fully in our society.

“(9) NATIVE AMERICAN AND NATIVE AMERICAN LANGUAGE.—The terms ‘Native American’ and ‘Native American language’ shall have the same meaning given such terms in section 103 of the Native American Languages Act of 1990.

“(10) NATIVE HAWAIIAN OR NATIVE AMERICAN PACIFIC ISLANDER NATIVE LANGUAGE EDUCATIONAL ORGANIZATION.—The term ‘Native Hawaiian or Native.American Pacific Islander native language educational organization’ means a nonprofit organization with a majority of its governing board and employees consisting of fluent speakers of the traditional Native American languages used in their educational programs and with not less than five years successful experience in providing educational services in traditional Native American languages.

“(11) NATIVE LANGUAGE.—The term ‘native language’, when used with reference to an individual of limited-English proficiency, means the language normally used by such individual, or in the case of a child or youth, the language normally used by the parents of the child or youth.

“(12) OFFICE.—The term ‘Office’ means the Office of Bilingual Education and Minority Languages Affairs.

“(13) OTHER PROGRAMS FOR PERSONS OF LIMITED-ENGLISH PROFICIENCY.—The term ‘other programs for persons of limited-English proficiency’ means any programs administered by the Secretary that serve persons of limited-English proficiency.

“(14) PARAPROFESSIONAL.—The term ‘paraprofessional’ means an individual who is employed in preschool, elementary or secondary school under the supervision of a certified or licensed teacher, including individuals employed in bilingual education, special education and migrant education.

“(15) SPECIAL ALTERNATIVE INSTRUCTIONAL PROGRAM.—The term ‘special alternative instructional program’ means an educational program for limited-English proficient students that—

“(A) utilizes specially designed English language curricula and services but does not use the student's native language for instructional purposes;

“(B) enables limited English proficient students to achieve English proficiency and academic mastery of subject matter content and higher order skills, including critical thinking so as to meet age-appropriate grade-promotion and graduation standards in concert with the National Education Goals; and

“(C) is particularly appropriate for schools where the diversity of the limited English proficient students' native languages and the small number of students speaking each respective language makes bilingual education impractical

and where there is a critical shortage of bilingual education teachers.

"SEC. 7502. REGULATIONS AND NOTIFICATION.

"(a) REGULATION RULE.—In developing regulations under this title, the Secretary shall consult with State and local educational agencies, organizations representing limited-English proficient individuals, and organizations representing teachers and other personnel involved in bilingual education.

"(b) PARENTAL NOTIFICATION.—

"(1) IN GENERAL.—Parents of children and youth participating in programs assisted under part A shall be informed of—

"(A) a student's level of English proficiency, how such level was assessed, the status of a student's academic achievement and the implications of a student's educational strengths and needs for age and grade appropriate academic attainment, promotion, and graduation;

"(B) what programs are available to meet the student's educational strengths and needs and how the programs differ in content and instructional goals, and in the case of a student with a disability, how the program meets the objectives of a student's individualized education program; and

"(C) the instructional goals of the bilingual education or special alternative instructional program, and how the program will specifically help the limited-English proficient student acquire English and meet age-appropriate standards for grade-promotion and graduation, including—

"(i) the benefits, nature, and past academic results of the bilingual educational program and of the instructional alternatives; and

"(ii) the reasons for the selection of their child as being in need of bilingual education.

"(2) OPTION TO DECLINE.—(A) Such parents shall also be informed that such parents have the option of declining enrollment of their children and youth in such programs and shall be given an opportunity to so decline if such parents so choose.

"(B) A local educational agency shall not be relieved of any of its obligations under title VI of the Civil Rights Act of 1964 because parents choose not to enroll their children in bilingual education programs.

"(3) RECEIPT OF INFORMATION.—Such parents shall receive, in a manner and form understandable to such parents, including, if necessary and to the extent feasible, in the native language of such parents, the information required by this subsection. At a minimum, such parents shall receive—

"(A) timely information about projects funded under part A; and

"(B) if the parents of participating children so desire, notice of opportunities for regular meetings for the purpose of formulating and responding to recommendations from such parents.

"(4) SPECIAL RULE.—Students shall not be admitted to or excluded from any federally assisted education program merely on the basis of a surname or language-minority status.

"TITLE VIII—IMPACT AID

"SEC. 8001. PURPOSE.

"In order to fulfill the Federal responsibility to assist with the provision of educational services to federally connected children, because certain activities of the Federal Government place a financial burden on the local educational agencies serving areas where such activities are carried out, and to help such children meet challenging State standards, it is the purpose of this title to provide financial assistance to local educational agencies that—

"(1) experience a substantial and continuing financial burden due to the acquisition of real property by the United States;

"(2) educate children who reside on Federal property and whose parents are employed on Federal property;

"(3) educate children of parents who are in the military services and children who live in low-rent housing;

"(4) educate heavy concentrations of children whose parents are civilian employees of the Federal Government and do not reside on Federal property;

"(5) experience sudden and substantial increases or decreases in enrollments because of military realignments; or

"(6) need special assistance with capital expenditures for construction activities because of the enrollments of substantial numbers of children who reside on Federal lands.

"SEC. 8002. PAYMENTS RELATING TO FEDERAL ACQUISITION OF REAL PROPERTY.

"(a) IN GENERAL.—Where the Secretary, after consultation with any local educational agency and with the appropriate State educational agency, determines for a fiscal year ending prior to October 1, 1999—

"(1) that the United States owns Federal property in the local educational agency, and that such property—

"(A) has been acquired by the United States since 1938;

"(B) was not acquired by exchange for other Federal property in the local educational agency which the United States owned before 1939; and

"(C) had an assessed value (determined as of the time or times when so acquired) aggregating 10 percent or more of the assessed value of—

"(i) all real property in the local educational agency (similarly determined as of the time or times when such Federal property was so acquired); or

"(ii) all real property in the local educational agency as assessed in the first year preceding or succeeding acquisition, whichever is greater, only if—

"(I) the assessment of all real property in the local educational agency is not made at the same time or times that such Federal property was so acquired and assessed; and

"(II) State law requires an assessment be made of property so acquired; and

"(2) that such agency is not being substantially compensated for the loss in revenue resulting from such ownership

by increases in revenue accruing to the agency from the conduct of Federal activities with respect to such Federal property, then such agency shall be eligible to receive the amount described in subsection (b).

"(b) AMOUNT.—

"(1) IN GENERAL.—(A)(i) The amount that a local educational agency shall be paid under subsection (a) for a fiscal year shall be calculated in accordance with paragraph (2), except that such amount shall be reduced by the Secretary by an amount equal to the amount of revenue, if any, that such agency received during the previous fiscal year from activities conducted on such Federal property.

"(ii) For purposes of clause (i), the amount of revenue that a local educational agency receives during the previous fiscal year from activities conducted on Federal property shall not include payments received by the agency from the Secretary of Defense to support—

"(I) the operation of a domestic dependent elementary or secondary school; or

"(II) the provision of a free public education to dependents of members of the Armed Forces residing on or near a military installation.

"(B) If funds appropriated under section 8014(a) are insufficient to pay the amount determined under subparagraph (A), the Secretary shall ratably reduce the payment to each eligible local educational agency.

"(C) Notwithstanding any other provision of this subsection, a local educational agency may not be paid an amount under this section that, when added to the amount such agency receives under section 8003(b), exceeds the maximum amount that such agency is eligible to receive for such fiscal year under section 8003(b)(1)(C).

"(2) APPLICATION OF CURRENT LEVIED REAL PROPERTY TAX RATE.—In calculating the amount that a local educational agency is eligible to receive for a fiscal year, the Secretary shall apply the current levied real property tax rate for current expenditures levied by fiscally independent local educational agencies, or imputed for fiscally dependent local educational agencies, to the current annually determined aggregate assessed value of such acquired Federal property.

"(3) DETERMINATION OF AGGREGATE ASSESSED VALUE.—Such aggregate assessed value of such acquired Federal property shall be determined on the basis of the highest and best use of property adjacent to such acquired Federal property as of the time such value is determined, and provided to the Secretary, by the local official responsible for assessing the value of real property located in the jurisdiction of such local educational agency for the purpose of levying a property tax.

"(c) APPLICABILITY TO TENNESSEE VALLEY AUTHORITY ACT.—For the purpose of this section, any real property with respect to which payments are being made under section 13 of the Tennessee Valley Authority Act of 1933 shall not be regarded as Federal property.

"(d) OWNERSHIP BY UNITED STATES.—The United States shall be deemed to own Federal property for the purposes of this Act, where—

"(1) prior to the transfer of Federal property, the United States owned Federal property meeting the requirements of subparagraphs (A), (B), and (C) of subsection (a)(1); and

"(2) the United States transfers a portion of the property referred to in paragraph (1) to another nontaxable entity, and the United States—

"(A) restricts some or any construction on such property;

"(B) requires that the property be used in perpetuity for the public purposes for which the property was conveyed;

"(C) requires the grantee of the property to report to the Federal Government (or its agent) regarding information on the use of the property;

"(D) except with the approval of the Federal Government (or its agent), prohibits the sale, lease, assignment, or other disposal of the property unless such sale, lease, assignment, or other disposal is to another eligible government agency; and

"(E) reserves to the Federal Government a right of reversion at any time the Federal Government (or its agent) deems it necessary for the national defense.

"(e) LOCAL EDUCATIONAL AGENCY CONTAINING FOREST SERVICE LAND AND SERVING CERTAIN COUNTIES.—Beginning with fiscal year 1995, a local educational agency shall be deemed to meet the requirements of subsection (a)(1)(C) if such local educational agency meets the following requirements:

"(1) ACREAGE AND ACQUISITION BY THE FOREST SERVICE.—The local educational agency serves a school district that contains between 20,000 and 60,000 acres of land that has been acquired by the Forest Service of the Department of Agriculture between 1915 and 1990, as demonstrated by written evidence from the Forest Service satisfactory to the Secretary.

"(2) COUNTY CHARTER.—The local educational agency serves a county chartered under State law in 1875 or 1890.

"(f) SPECIAL RULE.—Beginning with fiscal year 1994, and notwithstanding any other provision of law limiting the period during which fiscal year 1994 funds may be obligated, the Secretary shall treat the local educational agency serving the Wheatland R–II School District, Wheatland, Missouri, as meeting the eligibility requirements of section 2(a)(1)(C) of the Act of September 30, 1950 (Public Law 874, 81st Congress) (as such section was in effect on the day preceding the date of enactment of the Improving America's Schools Act of 1994) (20 U.S.C. 237(a)(1)(C)) or subsection (a)(1)(C).

"SEC. 8003. PAYMENTS FOR ELIGIBLE FEDERALLY CONNECTED CHILDREN.

"(a) COMPUTATION OF PAYMENT.—

"(1) IN GENERAL.—For the purpose of computing the amount that a local educational agency is eligible to receive under subsection (b), (d), or (f) for any fiscal year, the Secretary shall determine the number of children who were in average daily attendance in the schools of such agency, and for whom

such agency provided free public education, during the preceding school year and who, while in attendance at such schools—

"(A)(i) resided on Federal property with a parent employed on Federal property situated in whole or in part within the boundaries of the school district of such agency; or

"(ii) resided on Federal property with a parent who is an official of, and accredited by, a foreign government and is a foreign military officer;

"(B) resided on Federal property and had a parent on active duty in the uniformed services (as defined in section 101 of title 37, United States Code);

"(C) resided on Indian lands;

"(D)(i) had a parent on active duty in the uniformed services (as defined by section 101 of title 37, United States Code) but did not reside on Federal property; or

"(ii) had a parent who is an official of, and has been accredited by, a foreign government and is a foreign military officer but did not reside on Federal property;

"(E) resided in low-rent housing;

"(F) resided on Federal property and is not described in subparagraph (A) or (B); or

"(G) resided with a parent employed on Federal property situated—

"(i) in whole or in part in the county in which such agency is located, or in whole or in part in such agency if such agency is located in more than one county; or

"(ii) if not in such county, in whole or in part in the same State as such agency.

"(2) DETERMINATION OF WEIGHTED STUDENT UNITS.—For the purpose of computing the basic support payment under subsection (b), the Secretary shall calculate the total number of weighted student units for a local educational agency by adding together the results obtained by the following computations:

"(A) Multiply the number of children described in subparagraphs (A) and (B) of paragraph (1) by a factor of 1.0.

"(B) Multiply the number of children described in paragraph (1)(C) by a factor of 1.25.

"(C) Multiply the number of children described in subparagraphs (A) and (B) of paragraph (1) by a factor of .35 if the local educational agency has—

"(i) a number of such children described in such subparagraphs which exceeds 6,500; and

"(ii) an average daily attendance for all children which exceeds 100,000.

"(D) Multiply the number of children described in subparagraphs (D) and (E) of paragraph (1) by a factor of .10.

"(E) Multiply the number of children described in subparagraphs (F) and (G) of paragraph (1) by a factor of .05.

"(3) SPECIAL RULE.—The Secretary shall only compute a payment for a local educational agency for children described in subparagraph (F) or (G) of paragraph (1) if the number of such children equals or exceeds 2,000 and such number equals

or exceeds 15 percent of the total number of students in average daily attendance in the schools of such agency.

"(b) Basic Support Payments and Payments With Respect to Fiscal Years in Which Insufficient Funds Are Appropriated.—

"(1) Basic support payments.—

"(A) In general.—From the amount appropriated under section 8014(b) for a fiscal year, the Secretary is authorized to make basic support payments to eligible local educational agencies with children described in subsection (a).

"(B) Eligibility.—A local educational agency is eligible to receive a basic support payment under subparagraph (A) for a fiscal year with respect to a number of children determined under subsection (a)(1) only if the number of children so determined with respect to such agency amounts to the lesser of—

"(i) at least 400 such children; or

"(ii) a number of such children which equals at least 3 percent of the total number of children who were in average daily attendance, during such year, at the schools of such agency and for whom such agency provided free public education.

"(C) Maximum amount.—The maximum amount that a local educational agency is eligible to receive under this subsection for any fiscal year is the sum of the total weighted student units, as computed under subsection (a)(2), multiplied by the greater of—

"(i) one-half of the average per-pupil expenditure of the State in which the local educational agency is located for the third fiscal year preceding the fiscal year for which the determination is made;

"(ii) one-half of the average per-pupil expenditure of all of the States for the third fiscal year preceding the fiscal year for which the determination is made;

"(iii) the comparable local contribution rate certified by the State, as determined under regulations prescribed to carry out the Act of September 30, 1950 (Public Law 874, 81st Congress), as such regulations were in effect on January 1, 1994; or

"(iv) the average per-pupil expenditure of the State in which the local educational agency is located, multiplied by the local contribution percentage.

"(2) Payments with respect to fiscal years in which insufficient funds are appropriated.—

"(A) In general.—For any fiscal year in which the sums appropriated under section 8014(b) are insufficient to pay to each local educational agency the full amount computed under paragraph (1), the Secretary shall make payments in accordance with this paragraph.

"(B) Learning opportunity threshold payments.—(i) For fiscal years described in subparagraph (A), the Secretary shall compute a learning opportunity threshold payment (hereafter in this title referred to as the 'threshold

payment') by multiplying the amount obtained under paragraph (1)(C) by the total percentage obtained by adding—

"(I) the percentage of federally connected children for each local educational agency determined by calculating the fraction, the numerator of which is the total number of children described under subsection (a)(1) and the denominator of which is the total number of children in average daily attendance at the schools served by such agency; and

"(II) the percentage that funds under paragraph (1)(C) represent of the total budget of the local educational agency, determined by calculating the fraction, the numerator of which is the total amount of funds calculated for each local educational agency under this paragraph (not including amounts received under subsection (f)), and the denominator of which is the total current expenditures for such agency in the second preceding fiscal year for which the determination is made.

"(ii) Such total percentage used to calculate threshold payments under paragraph (1) shall not exceed 100.

"(iii) For the purpose of determining the percentages described in subclauses (I) and (II) of clause (i) that are applicable to the local educational agency providing free public education to students in grades 9 through 12 residing on Hanscom Air Force Base, Massachusetts, the Secretary shall consider only that portion of such agency's total enrollment of students in grades 9 through 12 when calculating the percentage under such subclause (I) and only that portion of the total current expenditures attributed to the operation of grades 9 through 12 in such agency when calculating the percentage under subclause (II).

"(C) RATABLE DISTRIBUTION.—For fiscal years described in subparagraph (A), the Secretary shall make payments as a ratable distribution based upon the computation made under subparagraph (B).

"(c) PRIOR YEAR DATA.—

"(1) IN GENERAL.—Except as provided in paragraph (2) and subsection (f), all calculations under this section shall be based on data for each local educational agency from not later than the fiscal year preceding the fiscal year for which the agency is making application for payment.

"(2) EXCEPTION.—Calculations for a local educational agency that is newly established by a State shall, for the first year of operation of such agency, be based on data from the fiscal year for which the agency is making application for payment.

"(d) CHILDREN WITH DISABILITIES.—

"(1) IN GENERAL.—From the amount appropriated under section 8014(c) for a fiscal year, the Secretary shall pay to each eligible local educational agency, on a pro rata basis, the amounts determined by—

"(A) multiplying the number of children described in subparagraphs (A)(ii), (B) and (C) of subsection (a)(1) who are eligible to receive services under the Individuals with

Disabilities Education Act (20 U.S.C. 1400 et seq.) by a factor of 1.0; and

"(B) multiplying the number of children described in subparagraph (D) of subsection (a)(1) who are eligible to receive services under such Act by a factor of 0.5.

"(2) USE OF FUNDS.—A local educational agency that receives funds under paragraph (1) shall use such funds to provide a free appropriate public education to children described in paragraph (1) in accordance with the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

"(e) HOLD-HARMLESS AMOUNTS.—

"(1) IN GENERAL.—(A) Except as provided in paragraph (4)(A), the total amount that the Secretary shall pay a local educational agency under subsection (b) shall not be less than 85 percent of the amount such agency received for the preceding fiscal year—

"(i) in the case of fiscal year 1995 only, under subsections (a) and (b) of section 3 of the Act of September 30, 1950 (Public Law 874, 81st Congress) (as such section was in effect on the day preceding the date of enactment of the Improving America's Schools Act of 1994); or

"(ii) in the case of fiscal years 1996, 1997, 1998, or 1999, under such subsection (b).

"(B) For fiscal year 1995 only, the Secretary shall pay, to each local educational agency that is not eligible for a payment under subsection (b) but that received a payment under section 3 of the Act of September 30, 1950 (Public Law 874, 81st Congress) (as such Act was in effect on the day preceding the date of enactment of the Improving America's Schools Act of 1994) for fiscal year 1994, an amount which is not less than 85 percent of the payment such agency received under such section 3 for fiscal year 1994.

"(2) TWO-YEAR APPLICABILITY.—Paragraph (1)(A) shall apply to any one local educational agency for a maximum of two consecutive fiscal years.

"(3) PHASE-OUT PAYMENT.—A local educational agency which received a payment under section 3(e) of the Act of September 30, 1950 (Public Law 874, 81st Congress) (as such section was in effect on the day preceding the date of enactment of the Improving America's Schools Act of 1994) for fiscal year 1994 is eligible to receive a payment, under subsection (b) for fiscal year 1995, in an amount which is not less than 85 percent of the amount received by such agency in fiscal year 1994 under such section 3(e).

"(4) RATABLE REDUCTIONS.—(A)(i) If necessary in order to make payments to local educational agencies in accordance with paragraphs (1) and (2), the Secretary first shall ratably reduce payments under subsection (b) to local educational agencies that do not receive a payment under this subsection.

"(ii) If additional funds become available for making payments under subsection (b) for such fiscal year, payments that were reduced under clause (i) shall be increased on the same basis as such payments were reduced.

"(B)(i) If the sums made available under this title for any fiscal year are insufficient to pay the full amounts that all local educational agencies in all States are eligible to receive under paragraphs (1) and (2) after the application of subparagraph (A) for such year, the Secretary shall ratably reduce payments to all such agencies for such year.

"(ii) If additional funds become available for making payments under paragraphs (1) and (2) for such fiscal year, payments that were reduced under clause (i) shall be increased on the same basis as such payments were reduced.

"(f) ADDITIONAL ASSISTANCE FOR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—

"(1) RESERVATION.—From amounts appropriated under section 8014(b) for a fiscal year, the Secretary shall provide additional assistance to meet special circumstances relating to the provision of education in local educational agencies eligible to receive assistance under this section.

"(2) ELIGIBILITY.—(A) A local educational agency is eligible to receive additional assistance under this subsection only if such agency—

"(i)(I) has an enrollment of federally connected children described in subsection (a)(1) which constitutes a percentage of the total student enrollment of such agency which is not less than 50 percent if such agency receives a payment on behalf of children described in subparagraphs (F) and (G) of such subsection, or not less than 40 percent if such agency does not receive a payment on behalf of such children; and

"(II) has a tax rate for general fund purposes which is at least 95 percent of the average tax rate for general fund purposes of comparable local educational agencies in the State;

"(ii)(I) has an enrollment of federally connected children described in subsection (a)(1) which constitutes at least 35 percent of the total student enrollment of such agency; and

"(II) has a tax rate for general fund purposes which is at least 125 percent of the average tax rate for general fund purposes of comparable local educational agencies in the State; or

"(iii) is a local educational agency whose boundaries are the same as a Federal military installation.

"(B) If the current expenditures in those local educational agencies which the Secretary has determined to be generally comparable to the local educational agency for which a computation is made under subsection (b)(1)(C) are not reasonably comparable because of unusual geographical factors which affect the current expenditures necessary to maintain, in such agency, a level of education equivalent to that maintained in such other agencies, then the Secretary shall increase the local contribution rate for such agency by such an amount which the Secretary determines will compensate such agency for the increase in current expenditures necessitated by such unusual geographical factors. The amount of any such supplementary

payment may not exceed the per-pupil share (computed with regard to all children in average daily attendance), as determined by the Secretary, of the increased current expenditures necessitated by such unusual geographic factors.

"(C) Any local educational agency determined eligible under clause (iii) of subparagraph (A) shall be deemed to have met the tax effort requirements for eligibility under clause (i)(II) or (ii)(II) of such subparagraph.

"(3) MAXIMUM PAYMENTS.—

"(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall determine the maximum amount that a local educational agency may receive under this subsection in accordance with the following computations:

"(i) The Secretary shall first determine the greater of—

"(I) the average per-pupil expenditure of the State in which the local educational agency is located or the average per-pupil expenditure of all the States;

"(II) the average per-pupil expenditure of generally comparable local educational agencies located in the State of the local educational agency, as defined in regulations issued by the Secretary; or

"(III) the average per-pupil expenditure of three generally comparable local educational agencies located in the State of the local educational agency, as defined in regulations issued by the Secretary.

"(ii) The Secretary shall next subtract from the amount determined under clause (i) the average amount of State aid per pupil received by the local educational agency.

"(iii) The Secretary shall next multiply the amount determined under clause (ii) by the total number of students in average daily attendance at the schools of the local educational agency as determined by the Secretary under subsection (a)(1).

"(iv) If the tax rate used by the local educational agency is greater than 95 percent, but less than 100 percent, of the tax rate of comparable local educational agencies, the Secretary shall next multiply the amount determined under clause (iii) by the percentage that the tax rate of the local educational agency is of—

"(I) the average tax rate of its generally comparable local educational agencies; or

"(II) the average tax rate of all the local educational agencies in the State in which the local educational agency is located.

"(v) The Secretary shall next subtract the total amount of payments received by a local educational agency under subsections (b) and (d) for a fiscal year from the amount determined under clause (iii) or clause (iv), as the case may be.

"(B) SPECIAL RULE.—With respect to payments under this subsection for a local educational agency described in clause (ii) or (iii) of paragraph (2)(A), the maximum amount of such payments shall be computed by taking the product of the average per-pupil expenditure in all States multiplied by 0.7, except that such amount may not exceed 125 percent of the average per-pupil expenditure in all local educational agencies in the State.

"(4) CURRENT YEAR DATA.—The Secretary shall, for purposes of providing assistance under this subsection, use—

"(A) student and revenue data from the fiscal year for which the local educational agency is applying for assistance under this subsection; and

"(B) the most recent data available which is adjusted to such fiscal year.

"(5) REDUCTION IN PAYMENTS.—If funds appropriated to carry out this subsection are insufficient to pay in full the amounts determined under paragraph (3), the Secretary shall ratably reduce the payment to each eligible local educational agency.

"(g) ADDITIONAL PAYMENTS FOR LOCAL EDUCATIONAL AGENCIES WITH HIGH CONCENTRATIONS OF CHILDREN WITH SEVERE DISABILITIES.—

"(1) IN GENERAL.—If any local educational agency receives Federal funds from sources other than this title to carry out the purposes of this title for any fiscal year due to the enrollment of children described under subsection (a), then the Secretary shall consider such funds as a payment to such agency under this part for such fiscal year.

"(2) SPECIAL RULE.—Notwithstanding any other provision of law, if funds appropriated pursuant to section 8014(b) for payments under subsection (b) to such agency for a fiscal year which, when added to the funds described in paragraph (1) received by such agency for such fiscal year, exceed the maximum amount described under subsection (b)(1)(C), then the Secretary shall make available from the funds appropriated under section 8014(b) for such fiscal year such excess amounts to any local educational agency serving two or more children described under subparagraph (B) or (D) of subsection (a)(1) who have a severe disability and a parent serving in the uniformed services (as defined by section 101 of title 37, United States Code) who is assigned to a particular permanent duty station for compassionate reasons (compassionate post assignment) for the total costs associated with such children who are provided an educational program provided outside the schools of such agency.

"(3) REMAINING FUNDS.—If funds remain after payments are made under paragraph (2) for any fiscal year, then such remaining funds shall be made available for expenditures under subsection (d) in such fiscal year on a pro rata basis consistent with the requirements of such subsection.

"(4) RATABLE REDUCTIONS.—If amounts available to carry out paragraph (2) for any fiscal year are insufficient to pay in full the total payment that all eligible local educational agencies are eligible to receive under such paragraph for such year,

then the Secretary shall ratably reduce such payments to such agencies for such year.

"(h) OTHER FUNDS.—Notwithstanding any other provision of law, a local educational agency receiving funds under this section may also receive funds under section 6 of the Act of September 30, 1950 (Public Law 874, 81st Congress) (as such section was in effect on the day preceding the date of enactment of the Improving America's Schools Act of 1994) or such section's successor authority.

"(i) MAINTENANCE OF EFFORT.—A local educational agency may receive funds under sections 8002 and 8003(b) for any fiscal year only if the State educational agency finds that either the combined fiscal effort per student or the aggregate expenditures of that agency and the State with respect to the provision of free public education by that agency for the preceding fiscal year was not less than 90 percent of such combined fiscal effort or aggregate expenditures for the second preceding fiscal year.

"SEC. 8004. POLICIES AND PROCEDURES RELATING TO CHILDREN RESIDING ON INDIAN LANDS.

"(a) IN GENERAL.—A local educational agency that claims children residing on Indian lands for the purpose of receiving funds under section 8003 shall establish policies and procedures to ensure that—

"(1) such children participate in programs and activities supported by such funds on an equal basis with all other children;

"(2) parents of such children and Indian tribes are afforded an opportunity to present their views on such programs and activities, including an opportunity to make recommendations on the needs of those children and how the local educational agency may help such children realize the benefits of such programs and activities;

"(3) parents and Indian tribes are consulted and involved in planning and developing such programs and activities;

"(4) relevant applications, evaluations, and program plans are disseminated to the parents and Indian tribes; and

"(5) parents and Indian tribes are afforded an opportunity to present their views to such agency regarding such agency's general educational program.

"(b) RECORDS.—A local educational agency that claims children residing on Indian lands for the purpose of receiving funds under section 8003 shall maintain records demonstrating such agency's compliance with the requirements contained in subsection (a).

"(c) WAIVER.—A local educational agency that claims children residing on Indian lands for the purpose of receiving funds under section 8003 shall not be required to comply with the requirements of subsections (a) and (b) for any fiscal year with respect to any Indian tribe from which such agency has received a written statement that the agency need not comply with those subsections because the tribe is satisfied with the provision of educational services by such agency to such children.

"(d) TECHNICAL ASSISTANCE AND ENFORCEMENT.—The Secretary shall—

"(1) provide technical assistance to local educational agencies, parents, and Indian tribes to enable such agencies, parents, and tribes to carry out this section; and

"(2) enforce this section through such actions, which may include the withholding of funds, as the Secretary determines to be appropriate, after affording the affected local educational agency, parents, and Indian tribe an opportunity to present their views.

"(e) COMPLAINTS.—

"(1) IN GENERAL.—(A) Any tribe, or its designee, which has students in attendance at a local educational agency may, in its discretion and without regard to the requirements of any other provision of law, file a written complaint with the Secretary regarding any action of a local educational agency taken pursuant to, or relevant to, the requirements of this section.

"(B) Within ten working days from receipt of a complaint, the Secretary shall—

"(i) designate a time and place for a hearing into the matters relating to the complaint at a location in close proximity to the local educational agency involved, or if the Secretary determines there is good cause, at some other location convenient to both the tribe, or its designee, and the local educational agency;

"(ii) designate a hearing examiner to conduct the hearing; and

"(iii) notify the affected tribe or tribes and the local educational agency involved of the time, place, and nature of the hearing and send copies of the complaint to the local educational agency and the affected tribe or tribes.

"(2) HEARING.—The hearing shall be held within 30 days of the designation of a hearing examiner and shall be open to the public. A record of the proceedings shall be established and maintained.

"(3) EVIDENCE; RECOMMENDATIONS; COST.—The complaining tribe, or its designee, and the local educational agency shall be entitled to present evidence on matters relevant to the complaint and to make recommendations concerning the appropriate remedial actions. Each party to the hearing shall bear only its own costs in the proceedings.

"(4) FINDINGS AND RECOMMENDATIONS.—Within 30 days of the completion of the hearing, the hearing examiner shall, on the basis of the record, make written findings of fact and recommendations concerning appropriate remedial action, if any, which should be taken. The hearing examiner's findings and recommendations, along with the hearing record, shall be forwarded to the Secretary.

"(5) WRITTEN DETERMINATION.—Within 30 days of the Secretary's receipt of the findings, recommendations, and record, the Secretary shall, on the basis of the record, make a written determination of the appropriate remedial action, if any, to be taken by the local educational agency, the schedule for completion of the remedial action, and the reasons for the Secretary's decision.

"(6) Copies provided.—Upon completion of the Secretary's final determination, the Secretary shall provide the complaining tribe, or its designee, and the local educational agency with copies of the hearing record, the hearing examiner's findings and recommendations, and the Secretary's final determination. The final determination of the Secretary shall be subject to judicial review.

"(7) Consolidation.—In all actions under this subsection, the Secretary shall have discretion to consolidate complaints involving the same tribe or local educational agency.

"(8) Withholding.—If the local educational agency rejects the determination of the Secretary, or if the remedy required is not undertaken within the time established and the Secretary determines that an extension of the time established will not effectively encourage the remedy required, the Secretary shall withhold payment of all moneys to which such local agency is eligible under section 8003 until such time as the remedy required is undertaken, except where the complaining tribe or its designee formally requests that such funds be released to the local educational agency, except that the Secretary may not withhold such moneys during the course of the school year if the Secretary determines that such withholding would substantially disrupt the educational programs of the local educational agency.

"(9) Rejection of determination.—If the local educational agency rejects the determination of the Secretary and a tribe exercises the option under section 1101(d) of the Education Amendments of 1978, to have education services provided either directly by the Bureau of Indian Affairs or by contract with the Bureau of Indian Affairs, any Indian students affiliated with that tribe who wish to remain in attendance at the local educational agency against whom the complaint which led to the tribal action under such subsection (d) was lodged may be counted with respect to that local educational agency for the purpose of receiving funds under section 8003. In such event, funds under such section shall not be withheld pursuant to paragraph (8) and no further complaints with respect to such students may be filed under paragraph (1).

"(f) Construction.—This section is based upon the special relationship between the Indian nations and the United States and nothing in this section shall be construed to relieve any State of any duty with respect to any citizens of that State.

"SEC. 8005. APPLICATION FOR PAYMENTS UNDER SECTIONS 8002 AND 8003.

"(a) In General.—A local educational agency desiring to receive a payment under section 8002 or 8003 shall—

"(1) submit an application for such payment to the Secretary; and

"(2) provide a copy of such application to the State educational agency.

"(b) Contents.—Each such application shall be submitted in such form and manner, and shall contain such information, as the Secretary may require, including—

"(1) information to determine the eligibility of the local educational agency for a payment and the amount of such payment; and

"(2) where applicable, an assurance that such agency is in compliance with section 8004 (relating to children residing on Indian lands).

"(c) DEADLINE FOR SUBMISSION.—The Secretary shall establish deadlines for the submission of applications under this section.

"(d) APPROVAL.—

"(1) IN GENERAL.—The Secretary shall approve an application submitted under this section that—

"(A) except as provided in paragraph (2), is filed by the deadline established under subsection (c); and

"(B) otherwise meets the requirements of this title.

"(2) REDUCTION IN PAYMENT.—The Secretary shall approve an application filed not more than 60 days after a deadline established under subsection (c) that otherwise meets the requirements of this title, except that, notwithstanding section 8003(e), the Secretary shall reduce the payment based on such late application by 10 percent of the amount that would otherwise be paid.

"(3) LATE APPLICATIONS.—The Secretary shall not accept or approve any application that is filed more than 60 days after a deadline established under subsection (c).

"(4) STATE APPLICATION AUTHORITY.—Notwithstanding any other provision of law, a State educational agency that had been accepted as an applicant for funds under section 3 of the Act of September 30, 1950 (Public Law 874, 81st Congress) (as such section was in effect on the day preceding the date of enactment of the Improving America's Schools Act of 1994) in fiscal year 1994 shall be permitted to continue as an applicant under the same conditions by which such agency made application during such fiscal year only if such State educational agency distributes all funds received for the students for which application is being made by such State educational agency to the local educational agencies providing educational services to such students.

"SEC. 8006. PAYMENTS FOR SUDDEN AND SUBSTANTIAL INCREASES IN ATTENDANCE OF MILITARY DEPENDENTS.

"(a) ELIGIBILITY.—A local educational agency is eligible for a payment under this section if—

"(1) the number of children in average daily attendance during the school year for which the determination is made is at least 10 percent or 100 more than the number of children in average daily attendance in the school year preceding the school year for which the determination is made; and

"(2) the number of children in average daily attendance with a parent on active duty (as defined in section 101(18) of title 37, United States Code) in the Armed Forces who are in attendance at such agency because of the assignment of their parent to a new duty station between May 15 and September 30, inclusive, of the fiscal year for which the determination is made, as certified by an appropriate local official of the Department of Defense, is at least 10 percent or 100 more than the

number of children in average daily attendance in the preceding school year.

"(b) APPLICATION.—A local educational agency that wishes to receive a payment under this section shall file an application with the Secretary by October 15 of the school year for which payment is requested, in such manner and containing such information as the Secretary may prescribe, including information demonstrating that such agency is eligible for such a payment.

"(c) CHILDREN TO BE COUNTED.—For each eligible local educational agency that applies for a payment under this section, the Secretary shall determine the lesser of—

"(1) the increase in the number of children in average daily attendance from the school year preceding the fiscal year for which the determination is made; and

"(2) the number of children described in subsection (a)(2).

"(d) PAYMENTS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), from the amount appropriated for a fiscal year under section 8014(d), the Secretary shall pay each local educational agency with an approved application an amount equal to one-half of the national average per-pupil expenditure multiplied by the number of such children determined under subsection (c) for that local educational agency.

"(2) RATABLE REDUCTION.—(A) If the amount appropriated to carry out this section for any fiscal year is insufficient to pay the full payment that all eligible local educational agencies are eligible to receive under this section for such year, then the Secretary shall ratably reduce the payments to such agencies for such year.

"(B) If additional funds become available for making payments under paragraph (1) for such fiscal year, payments that were reduced under subparagraph (A) shall be increased on the same basis as such payments were reduced.

"(e) NOTIFICATION PROCESS.—

"(1) ESTABLISHMENT.—The Secretary shall establish, with the Secretary of Defense, a notification process relating to the closure of Department of Defense facilities, or the adjustment of personnel levels assigned to such facilities, which may substantially affect the student enrollment levels of local educational agencies which receive or may receive payments under this title.

"(2) INFORMATION.—Such process shall provide timely information regarding such closures and such adjustments—

"(A) by the Secretary of Defense to the Secretary; and

"(B) by the Secretary to the affected local educational agencies.

"SEC. 8007. CONSTRUCTION.

"(a) PAYMENTS AUTHORIZED.—From the amount appropriated for each fiscal year under section 8014(e), the Secretary shall make payments to each local educational agency—

"(1) that receives a basic payment under section 8003(b); and

"(2)(A) in which the number of children determined under section 8003(a)(1)(C) constituted at least 50 percent of the number of children who were in average daily attendance in the schools of such agency during the preceding school year;

"(B) in which the number of children determined under subparagraphs (B) and (D)(i) of section 8003(a)(1) constituted at least 50 percent of the number of children who were in average daily attendance in the schools of such agency during the school year preceding the school year for which the determination is made and in which the agency at any 2 times during the four fiscal years preceding the date of enactment of the Improving America's Schools Act of 1994 was denied by a vote of the agency's eligible voters a bond referendum for the purposes of school construction or renovation;

"(C) that receives assistance under section 8003(f); or

"(D) that receives assistance under section 8006.

"(b) AMOUNT OF PAYMENTS.—The amount of a payment to each such agency for a fiscal year shall be equal to—

"(1) the amount appropriated under section 8014(e) for such year; divided by

"(2) the number of children determined under section 8003(a)(2) for all local educational agencies described in subsection (a), but not including any children attending a school assisted or provided by the Secretary under section 8008 or section 10 of the Act of September 23, 1950 (Public Law 815, 81st Congress) (as such Act was in effect on the day preceding the date of enactment of the Improving America's Schools Act of 1994); multiplied by

"(3) the number of such children determined for such agency.

"(c) USE OF FUNDS.—Any local educational agency that receives funds under this section shall use such funds for construction, as defined in section 8013(3).

"SEC. 8008. FACILITIES.

"(a) CURRENT FACILITIES.—From the amount appropriated for any fiscal year under section 8014(f), the Secretary may continue to provide assistance for school facilities that were supported by the Secretary under section 10 of the Act of September 23, 1950 (Public Law 815, 81st Congress) (as such Act was in effect on the day preceding the date of the enactment of the Improving America's Schools Act of 1994).

"(b) TRANSFER OF FACILITIES.—

"(1) IN GENERAL.—The Secretary shall, as soon as practicable, transfer to the appropriate local educational agency or another appropriate entity all the right, title, and interest of the United States in and to each facility provided under section 10 of the Act of September 23, 1950 (Public Law 815, 81st Congress), or under section 204 or 310 of the Act of September 30, 1950 (Public Law 874, 81st Congress) (as such Acts were in effect on January 1, 1958).

"(2) OTHER REQUIREMENTS.—Any such transfer shall be without charge to such agency or entity, and prior to such transfer, the transfer shall be consented to by the local educational agency or other appropriate entity, and may be made

on such terms and conditions as the Secretary deems appropriate to carry out the purposes of this title.

"SEC. 8009. STATE CONSIDERATION OF PAYMENTS IN PROVIDING STATE AID.

"(a) GENERAL PROHIBITION.—Except as provided in subsection (b), a State may not—

"(1) consider payments under this title or under the Act of September 30, 1950 (Public Law 874, 81st Congress) (as such Act was in effect on the day preceding the date of enactment of the Improving America's Schools Act of 1994) in determining for any fiscal year—

"(A) the eligibility of a local educational agency for State aid for free public education; or

"(B) the amount of such aid; or

"(2) make such aid available to local educational agencies in a manner that results in less State aid to any local educational agency that is eligible for such payment than such agency would receive if such agency were not so eligible.

"(b) STATE EQUALIZATION PLANS.—

"(1) IN GENERAL.—A State may reduce State aid to a local educational agency that receives a payment under section 8002 or 8003(b) (except the amount calculated in excess of 1.0 under subparagraph (B) of section 8003(a)(2)) or under the Act of September 30, 1950 (Public Law 874, 81st Congress) as such Act was in effect on the day preceding the date of enactment of the Improving America's Schools Act of 1994 (other than an increase in payments described in paragraphs (2)(B), (2)(C), (2)(D), or (3)(B)(ii) of section 3(d) of such Act of September 30, 1950) for any fiscal year if the Secretary determines, and certifies under subsection (c)(3)(A), that such State has in effect a program of State aid that equalizes expenditures for free public education among local educational agencies in such State.

"(2) COMPUTATION.—

"(A) IN GENERAL.—For purposes of paragraph (1), a program of State aid equalizes expenditures among local educational agencies if, in the second fiscal year preceding the fiscal year for which the determination is made, the amount of per-pupil expenditures made by, or per-pupil revenues available to, the local educational agency in the State with the highest such per-pupil expenditures or revenues did not exceed the amount of such per-pupil expenditures made by, or per-pupil revenues available to, the local educational agency in the State with the lowest such expenditures or revenues by more than—

"(i) 25 percent for fiscal year 1995, 1996, or 1997; and

"(ii) 20 percent for fiscal year 1998 or 1999.

"(B) OTHER FACTORS.—In making a determination under this subsection, the Secretary shall—

"(i) disregard local educational agencies with per-pupil expenditures or revenues above the 95th percentile or below the 5th percentile of such expenditures or revenues in the State; and

"(ii) take into account the extent to which a program of State aid reflects the additional cost of providing free public education in particular types of local educational agencies, such as those that are geographically isolated, or to particular types of students, such as children with disabilities.

"(3) EXCEPTION.—Notwithstanding paragraph (2), if the Secretary determines that the State has substantially revised its program of State aid, the Secretary may certify such program for any fiscal year only if—

"(A) the Secretary determines, on the basis of projected data, that the State's program will meet the disparity standard described in paragraph (2) for the fiscal year for which the determination is made; and

"(B) the State provides an assurance to the Secretary that, if final data do not demonstrate that the State's program met such standard for the fiscal year for which the determination is made, the State will pay to each affected local educational agency the amount by which the State reduced State aid to the local educational agency.

"(c) PROCEDURES FOR REVIEW OF STATE EQUALIZATION PLANS.—

"(1) WRITTEN NOTICE.—

"(A) IN GENERAL.—Any State that wishes to consider payments described in subsection (b)(1) in providing State aid to local educational agencies shall submit to the Secretary, not later than 120 days before the beginning of the State's fiscal year, a written notice of such State's intention to do so.

"(B) CONTENTS.—Such notice shall be in the form and contain the information the Secretary requires, including evidence that the State has notified each local educational agency in the State of such State's intention to consider such payments in providing State aid.

"(2) OPPORTUNITY TO PRESENT VIEWS.—Before making a determination under subsection (b), the Secretary shall afford the State, and local educational agencies in the State, an opportunity to present their views.

"(3) QUALIFICATION PROCEDURES.—If the Secretary determines that a program of State aid qualifies under subsection (b), the Secretary shall—

"(A) certify the program and so notify the State; and

"(B) afford an opportunity for a hearing, in accordance with section 8011(a), to any local educational agency adversely affected by such certification.

"(4) NON-QUALIFICATION PROCEDURES.—If the Secretary determines that a program of State aid does not qualify under subsection (b), the Secretary shall—

"(A) so notify the State; and

"(B) afford an opportunity for a hearing, in accordance with section 8011(a), to the State, and to any local educational agency adversely affected by such determination.

"(d) TREATMENT OF STATE AID.—

"(1) IN GENERAL.—If a State has in effect a program of State aid for free public education for any fiscal year, which is designed to equalize expenditures for free public education among the local educational agencies of that State, payments under this title or under the Act of September 30, 1950 (Public Law 874, 81st Congress) (as such Act was in effect on the day preceding the date of enactment of the Improving America's Schools Act of 1994) for any fiscal year may be taken into consideration by such State in determining the relative—

"(A) financial resources available to local educational agencies in that State; and

"(B) financial need of such agencies for the provision of free public education for children served by such agency, except that a State may consider as local resources funds received under this title or under the Act of September 30, 1950 (Public Law 874, 81st Congress) (as such Act was in effect on the day preceding the date of enactment of the Improving America's Schools Act of 1994) only in proportion to the share that local tax revenues covered under a State equalization program are of total local tax revenues.

"(2) PROHIBITION.—A State may not take into consideration payments under this title or under the Act of September 30, 1950 (Public Law 874, 81st Congress) (as such Act was in effect on the day preceding the date of enactment of the Improving America's Schools Act of 1994) before such State's program of State aid has been certified by the Secretary under subsection (c)(3).

"(e) REMEDIES FOR STATE VIOLATIONS.—

"(1) IN GENERAL.—The Secretary or any aggrieved local educational agency may, not earlier than 150 days after an adverse determination by the Secretary against a State for violation of subsections (a) or (d)(2) or for failure to carry out an assurance under subsection (b)(3)(B), and if an administrative proceeding has not been concluded within such time, bring an action in a United States district court against such State for such violations or failure.

"(2) IMMUNITY.—A State shall not be immune under the 11th amendment to the Constitution of the United States from an action described in paragraph (1).

"(3) RELIEF.—The court shall grant such relief as the court determines is appropriate.

"SEC. 8010. FEDERAL ADMINISTRATION.

"(a) PAYMENTS IN WHOLE DOLLAR AMOUNTS.—The Secretary shall round any payments under this title to the nearest whole dollar amount.

"(b) OTHER AGENCIES.—Each Federal agency administering Federal property on which children reside, and each agency principally responsible for an activity that may occasion assistance under this title, shall, to the maximum extent practicable, comply with requests of the Secretary for information the Secretary may require to carry out this title.

"(c) SPECIAL RULES.—

"(1) CERTAIN CHILDREN ELIGIBLE UNDER SUBSECTION (a) OR (b) OF SECTION 3 OF PUBLIC LAW 81–874.—Notwithstanding any

other provision of law, for any fiscal year before fiscal year 1995, the Secretary shall treat as eligible under subsection (a) or (b) of section 3 of the Act of September 30, 1950 (Public Law 874, 81st Congress) (as such subsection was in effect on the day preceding the date of enactment of the Improving America's Schools Act of 1994), and shall forgive the obligation of a local educational agency to repay any amounts that such agency received under such section for such fiscal year based on, any child who would be eligible under such subsections except that such child does not meet the requirements of subsection (a)(1)(B) or (b)(2)(B), respectively, of such section 3, if such child meets the requirements of paragraph (3) of this subsection.

"(2) CERTAIN CHILDREN ELIGIBLE UNDER SUBPARAGRAPHS (A) AND (G)(ii) OF SECTION 8003(a)(1).—(A) The Secretary shall treat as eligible under subparagraph (A) of section 8003(a)(1) any child who would be eligible under such subparagraph except that the Federal property on which the child resides or on which the child's parent is employed is not in the same State in which the child attends school, if such child meets the requirements of paragraph (3) of this subsection.

"(B) The Secretary shall treat as eligible under subparagraph (G) of section 8003(a)(1) any child who would be eligible under such subparagraph except that such child does not meet the requirements of clause (ii) of such subparagraph, if such child meets the requirements of paragraph (3) of this subsection.

"(3) REQUIREMENTS.—A child meets the requirements of this paragraph if—

"(A) such child resides—

"(i) in a State adjacent to the State in which the local educational agency serving the school such child attends is located; or

"(ii) with a parent employed on Federal property in a State adjacent to the State in which such agency is located;

"(B) the schools of such agency are within a more reasonable commuting distance of such child's home than the schools of the local educational agency that serves the school attendance area where such child resides;

"(C) attending the schools of the local educational agency that serves the school attendance area where such child resides will impose a substantial hardship on such child;

"(D) the State in which such child attends school provides funds for the education of such child on the same basis as all other public school children in the State, unless otherwise permitted under section 5(d)(2) of the Act of September 30, 1950 (Public Law 874, 81st Congress) (as such section was in effect on the day preceding the date of enactment of the Improving America's Schools Act of 1994) or section 8009(b) of this title; and

"(E) such agency received a payment for fiscal year 1994 under section 8003(b) (or such section's predecessor authority) on behalf of children described in paragraph (2).

"SEC. 8011. ADMINISTRATIVE HEARINGS AND JUDICIAL REVIEW.

"(a) ADMINISTRATIVE HEARINGS.—A local educational agency and a State that is adversely affected by any action of the Secretary under this title or under the Act of September 30, 1950 (Public Law 874, 81st Congress) (as such Act was in effect on the day preceding the date of enactment of the Improving America's Schools Act of 1994) shall be entitled to a hearing on such action in the same manner as if such agency were a person under chapter 5 of title 5, United States Code.

"(b) JUDICIAL REVIEW OF SECRETARIAL ACTION.—

"(1) IN GENERAL.—A local educational agency or a State aggrieved by the Secretary's final decision following an agency proceeding under subsection (a) may, within 60 days after receiving notice of such decision, file with the United States court of appeals for the circuit in which such agency or State is located a petition for review of that action. The clerk of the court shall promptly transmit a copy of the petition to the Secretary. The Secretary shall then file in the court the record of the proceedings on which the Secretary's action was based, as provided in section 2112 of title 28, United States Code.

"(2) FINDINGS OF FACT.—The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Secretary to take further evidence. The Secretary may thereupon make new or modified findings of fact and may modify the Secretary's previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

"(3) REVIEW.—The court shall have exclusive jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

"SEC. 8012. FORGIVENESS OF OVERPAYMENTS.

"Notwithstanding any other provision of law, the Secretary may forgive the obligation of a local educational agency to repay, in whole or in part, the amount of any overpayment received under this title, or under the Act of September 30, 1950 (Public Law 874, 81st Congress) or the Act of September 23, 1950 (Public Law 815, 81st Congress) (as such Acts were in effect on the day preceding the date of enactment of the Improving America's Schools Act of 1994), if the Secretary determines that the overpayment was made as a result of an error made by—

"(1) the Secretary; or

"(2) the local educational agency and repayment of the full amount of the overpayment will result in an undue financial hardship on the agency and seriously harm the agency's educational program.

"SEC. 8013. DEFINITIONS.

"For purposes of this title:

"(1) ARMED FORCES.—The term 'Armed Forces' means the Army, Navy, Air Force, and Marine Corps.

"(2) AVERAGE PER-PUPIL EXPENDITURE.—The term 'average per-pupil expenditure' means—

"(A) the aggregate current expenditures of all local educational agencies in the State; divided by

"(B) the total number of children in average daily attendance for whom such agencies provided free public education.

"(3) CONSTRUCTION.—The term 'construction' means—

"(A) the preparation of drawings and specifications for school facilities;

"(B) erecting, building, acquiring, altering, remodeling, repairing, or extending school facilities;

"(C) inspecting and supervising the construction of school facilities; and

"(D) debt service for such activities.

"(4) CURRENT EXPENDITURES.—The term 'current expenditures' means expenditures for free public education, including expenditures for administration, instruction, attendance and health services, pupil transportation services, operation and maintenance of plant, fixed charges, and net expenditures to cover deficits for food services and student body activities, but does not include expenditures for community services, capital outlay, and debt service, or any expenditures made from funds awarded under part A of title I and title VI. The determination of whether an expenditure for the replacement of equipment is considered a current expenditure or a capital outlay shall be determined in accordance with generally accepted accounting principles as determined by the State.

"(5) FEDERAL PROPERTY.—

"(A) IN GENERAL.—Except as provided in subparagraphs (B) through (F), the term 'Federal property' means real property that is not subject to taxation by any State or any political subdivision of a State due to Federal agreement, law, or policy, and that is—

"(i) owned by the United States or leased by the United States from another entity;

"(ii)(I) held in trust by the United States for individual Indians or Indian tribes;

"(II) held by individual Indians or Indian tribes subject to restrictions on alienation imposed by the United States;

"(III) conveyed at any time under the Alaska Native Claims Settlement Act to a Native individual, Native group, or village or regional corporation;

"(IV) public land owned by the United States that is designated for the sole use and benefit of individual Indians or Indian tribes; or

"(V) used for low-rent housing, as described in paragraph (10), that is located on land described in subclause (I), (II), (III), or (IV) of this clause or on land that met one of those descriptions immediately before such property's use for such housing;

"(iii)(I) part of a low-rent housing project assisted under the United States Housing Act of 1937; or

"(II) used to provide housing for homeless children at closed military installations pursuant to section 501 of the Stewart B. McKinney Homeless Assistance Act; or

"(iv) owned by a foreign government or by an international organization.

"(B) SCHOOLS PROVIDING FLIGHT TRAINING TO MEMBERS OF AIR FORCE.—The term 'Federal property' includes, so long as not subject to taxation by any State or any political subdivision of a State, and whether or not that tax exemption is due to Federal agreement, law, or policy, any school providing flight training to members of the Air Force under contract with the Air Force at an airport owned by a State or political subdivision of a State.

"(C) NON-FEDERAL EASEMENTS, LEASES, LICENSES, PERMITS, IMPROVEMENTS, AND CERTAIN OTHER REAL PROPERTY.—The term 'Federal property' includes, whether or not subject to taxation by a State or a political subdivision of a State—

"(i) any non-Federal easement, lease, license, permit, or other such interest in Federal property as otherwise described in this paragraph, but not including any non-Federal fee-simple interest;

"(ii) any improvement on Federal property as otherwise described in this paragraph; and

"(iii) real property that, immediately before its sale or transfer to a non-Federal party, was owned by the United States and otherwise qualified as Federal property described in this paragraph, but only for one year beyond the end of the fiscal year of such sale or transfer.

"(D) CERTAIN POSTAL SERVICE PROPERTY AND PIPELINES AND UTILITY LINES.—Notwithstanding any other provision of this paragraph, the term 'Federal property' does not include—

"(i) any real property under the jurisdiction of the United States Postal Service that is used primarily for the provision of postal services; or

"(ii) pipelines and utility lines.

"(E) PROPERTY WITH RESPECT TO WHICH STATE OR LOCAL TAX REVENUES MAY NOT BE EXPENDED, ALLOCATED, OR AVAILABLE FOR FREE PUBLIC EDUCATION.—Notwithstanding any other provision of this paragraph, 'Federal property' does not include any property on which children reside that is otherwise described in this paragraph if—

"(i) no tax revenues of the State or of any political subdivision of the State may be expended for the free public education of children who reside on that Federal property; or

"(ii) no tax revenues of the State are allocated or available for the free public education of such children.

"(F) PROPERTY LOCATED IN THE STATE OF OKLAHOMA OWNED BY INDIAN HOUSING AUTHORITY FOR LOW-INCOME HOUSING.—The term 'Federal property' includes any real property located in the State of Oklahoma that—

"(i) is owned by an Indian housing authority and used for low-income housing (including housing assisted under the mutual help ownership opportunity program under section 202 of the United States Housing Act of 1937); and

"(ii) at any time—

"(I) was designated by treaty as tribal land; or

"(II) satisfied the definition of Federal property under section 403(1)(A) of the Act of September 30, 1950 (Public Law 874, 81st Congress) (as such Act was in effect on the day preceding the date of enactment of the Improving America's Schools Act of 1994).

"(6) FREE PUBLIC EDUCATION.—The term 'free public education' means education that is provided—

"(A) at public expense, under public supervision and direction, and without tuition charge; and

"(B) as elementary or secondary education, as determined under State law, except that, notwithstanding State law, such term—

"(i) includes preschool education; and

"(ii) does not include any education provided beyond grade 12.

"(7) INDIAN LANDS.—The term 'Indian lands' means any Federal property described in paragraph (5)(A)(ii) or (5)(F).

"(8) LOCAL CONTRIBUTION PERCENTAGE.—

"(A) IN GENERAL.—The term 'local contribution percentage' means the percentage of current expenditures in the State derived from local and intermediate sources, as reported to and verified by the National Center for Education Statistics.

"(B) HAWAII AND DISTRICT OF COLUMBIA.—Notwithstanding subparagraph (A), the local contribution percentage for Hawaii and for the District of Columbia shall be the average local contribution percentage for all States.

"(9) LOCAL EDUCATIONAL AGENCY.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'local educational agency'—

"(i) means a board of education or other legally constituted local school authority having administrative control and direction of free public education in a county, township, independent school district, or other school district; and

"(ii) includes any State agency that directly operates and maintains facilities for providing free public education.

"(B) EXCEPTION.—The term 'local educational agency' does not include any agency or school authority that the Secretary determines on a case-by-case basis—

"(i) was constituted or reconstituted primarily for the purpose of receiving assistance under this title or the Act of September 30, 1950 (Public Law 874, 81st Congress) (as such Act was in effect on the day preceding the date of enactment of the Improving America's Schools Act of 1994) or increasing the amount of such assistance; or

"(ii) is not constituted or reconstituted for legitimate educational purposes.

"(10) Low-rent housing.—The term 'low-rent housing' means housing located on property that is described in paragraph (5)(A)(iii).

"(11) Revenue derived from local sources.—The term 'revenue derived from local sources' means—

"(A) revenue produced within the boundaries of a local educational agency and available to such agency for such agency's use; or

"(B) funds collected by another governmental unit, but distributed back to a local educational agency in the same proportion as such funds were collected as a local revenue source.

"(12) School facilities.—The term 'school facilities' includes—

"(A) classrooms and related facilities; and

"(B) equipment, machinery, and utilities necessary or appropriate for school purposes.

"SEC. 8014. AUTHORIZATION OF APPROPRIATIONS.

"(a) Payments for Federal Acquisition of Real Property.—For the purpose of making payments under section 8002, there are authorized to be appropriated $16,750,000 for fiscal year 1995 and such sums as may be necessary for each of the four succeeding fiscal years.

"(b) Basic Payments; Payments for Heavily Impacted Local Educational Agencies.—For the purpose of making payments under subsections (b) and (f) of section 8003, there are authorized to be appropriated $775,000,000 for fiscal year 1995 and such sums as may be necessary for each of the four succeeding fiscal years, of which 6 percent shall be available, until expended, for each such fiscal year to carry out section 8003(f).

"(c) Payments for Children With Disabilities.—For the purpose of making payments under section 8003(d), there are authorized to be appropriated $45,000,000 for fiscal year 1995 and such sums as may be necessary for each of the four succeeding fiscal years.

"(d) Payments for Increases in Military Children.—For the purpose of making payments under section 8006, there are authorized to be appropriated $2,000,000 for fiscal year 1995 and such sums as may be necessary for each of the four succeeding fiscal years.

"(e) Construction.—For the purpose of carrying out section 8007, there are authorized to be appropriated $25,000,000 for fiscal year 1995 and such sums as may be necessary for each of the four succeeding fiscal years.

"(f) FACILITIES MAINTENANCE.—For the purpose of carrying out section 8008, there are authorized to be appropriated $2,000,000 for fiscal year 1995 and such sums as may be necessary for each of the four succeeding fiscal years.

"TITLE IX—INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE EDUCATION

"PART A—INDIAN EDUCATION

"SEC. 9101. FINDINGS.

"The Congress finds that—

"(1) the Federal Government has a special responsibility to ensure that educational programs for all American Indian and Alaska Native children and adults—

"(A) are based on high-quality, internationally competitive content standards and student performance standards and build on Indian culture and the Indian community;

"(B) assist local educational agencies, Indian tribes, and other entities and individuals in providing Indian students the opportunity to achieve such standards; and

"(C) meet the special educational and culturally related academic needs of American Indian and Alaska Native students;

"(2) since the date of enactment of the initial Indian Education Act in 1972, the level of involvement of Indian parents in the planning, development, and implementation of educational programs that affect such parents and their children has increased significantly, and schools should continue to foster such involvement;

"(3) although the number of Indian teachers, administrators, and university professors has increased since 1972, teacher training programs are not recruiting, training, or retraining a sufficient number of Indian individuals as educators to meet the needs of a growing Indian student population in elementary, secondary, vocational, adult, and higher education;

"(4) the dropout rate for Indian students is unacceptably high, for example, 9 percent of Indian students who were eighth graders in 1988 had already dropped out of school by 1990;

"(5) during the period from 1980 to 1990, the percentage of Indian individuals living at or below the poverty level increased from 24 percent to 31 percent, and the readiness of Indian children to learn is hampered by the high incidence of poverty, unemployment, and health problems among Indian children and their families; and

"(6) research related specifically to the education of Indian children and adults is very limited, and much of the research is of poor quality or is focused on limited local or regional issues.

"SEC. 9102. PURPOSE.

"(a) PURPOSE.—It is the purpose of this part to support the efforts of local educational agencies, Indian tribes and organizations,

postsecondary institutions, and other entities to meet the special educational and culturally related academic needs of American Indians and Alaska Natives, so that such students can achieve to the same challenging State performance standards expected of all students.

"(b) PROGRAMS.—This part carries out the purpose described in subsection (a) by authorizing programs of direct assistance for—

"(1) meeting the special educational and culturally related academic needs of American Indians and Alaska Natives;

"(2) the education of Indian children and adults;

"(3) the training of Indian persons as educators and counselors, and in other professions serving Indian people; and

"(4) research, evaluation, data collection, and technical assistance.

"Subpart 1—Formula Grants to Local Educational Agencies

"SEC. 9111. PURPOSE.

"It is the purpose of this subpart to support local educational agencies in their efforts to reform elementary and secondary school programs that serve Indian students in order to ensure that such programs—

"(1) are based on challenging State content standards and State student performance standards that are used for all students; and

"(2) are designed to assist Indian students meet those standards and assist the Nation in reaching the National Education Goals.

"SEC. 9112. GRANTS TO LOCAL EDUCATIONAL AGENCIES.

"(a) IN GENERAL.—

"(1) ENROLLMENT REQUIREMENTS.—A local educational agency shall be eligible for a grant under this subpart for any fiscal year if the number of Indian children eligible under section 9116 and who were enrolled in the schools of the agency, and to whom the agency provided free public education, during the preceding fiscal year—

"(A) was at least 10; and

"(B) constituted not less than 25 percent of the total number of individuals enrolled in the schools of such agency.

"(2) EXCLUSION.—The requirement of paragraph (1) shall not apply in Alaska, California, or Oklahoma, or with respect to any local educational agency located on, or in proximity to, a reservation.

"(b) INDIAN TRIBES.—

"(1) IN GENERAL.—If a local educational agency that is eligible for a grant under this subpart does not establish a parent committee under section 9114(c)(4) for such grant, an Indian tribe that represents no less than one-half of the eligible Indian children who are served by such local educational agency may apply for such grant.

"(2) SPECIAL RULE.– The Secretary shall treat each Indian tribe applying for a grant pursuant to paragraph (1) as if such Indian tribe were a local educational agency for purposes of this subpart.

"SEC. 9113. AMOUNT OF GRANTS.

"(a) AMOUNT OF GRANT AWARDS.—

"(1) IN GENERAL.—Except as provided in subsection (b) and paragraph (2), the Secretary shall allocate to each local educational agency which has an approved application under this subpart an amount equal to the product of—

"(A) the number of Indian children who are eligible under section 9116 and served by such agency; and

"(B) the greater of—

"(i) the average per-pupil expenditure of the State in which such agency is located; or

"(ii) 80 percent of the average per-pupil expenditure in the United States.

"(2) REDUCTION.—The Secretary shall reduce the amount of each allocation determined under paragraph (1) in accordance with subsection (e).

"(b) MINIMUM GRANT.—

"(1) IN GENERAL.—Notwithstanding subsection (e) of this section, a local educational agency or an Indian tribe (as authorized under section 9112(b)) that is eligible for a grant under section 9112, and a school that is operated or supported by the Bureau of Indian Affairs that is eligible for a grant under subsection (d), that submits an application that is approved by the Secretary, shall, subject to appropriations, receive a grant under this subpart in an amount that is not less than $3,000.

"(2) CONSORTIA.—Local educational agencies may form a consortium for the purpose of obtaining grants under this Act.

"(3) INCREASE.—The Secretary may increase the minimum grant under paragraph (1) to not more than $4,000 for all grantees if the Secretary determines such increase is necessary to ensure quality programs.

"(c) DEFINITION.—For the purpose of this section, the term 'average per-pupil expenditure of a State' means an amount equal to—

"(1) the sum of the aggregate current expenditures of all the local educational agencies in the State, plus any direct current expenditures by the State for the operation of such agencies, without regard to the sources of funds from which such local or State expenditures were made, during the second fiscal year preceding the fiscal year for which the computation is made; divided by

"(2) the aggregate number of children who were included in average daily attendance for whom such agencies provided free public education during such preceding fiscal year.

"(d) SCHOOLS OPERATED OR SUPPORTED BY THE BUREAU OF INDIAN AFFAIRS.—In addition to the grants awarded under subsection (a), and subject to paragraph (2), the Secretary shall allocate to the Secretary of the Interior an amount equal to the product of—

"(1) the total number of Indian children enrolled in schools that are operated by—

"(A) the Bureau of Indian Affairs; or

"(B) an Indian tribe, or an organization controlled or sanctioned by an Indian tribal government, for the children of such tribe under a contract with, or grant from, the Department of the Interior under the Indian Self-Determination Act or the Tribally Controlled Schools Act of 1988 (part B of title V of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988); and

"(2) the greater of—

"(A) the average per-pupil expenditure of the State in which the school is located; or

"(B) 80 percent of the average per-pupil expenditure in the United States.

"(e) RATABLE REDUCTIONS.—If the sums appropriated for any fiscal year under section 9162(a) are insufficient to pay in full the amounts determined for local educational agencies under subsection (a)(1) and for the Secretary of the Interior under subsection (d), each of those amounts shall be ratably reduced.

"SEC. 9114. APPLICATIONS.

"(a) APPLICATION REQUIRED.—Each local educational agency that desires to receive a grant under this subpart shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

"(b) COMPREHENSIVE PROGRAM REQUIRED.—Each application submitted under subsection (a) shall include a comprehensive program for meeting the needs of Indian children served by the local educational agency, including the language and cultural needs of the children, that—

"(1) provides programs and activities to meet the culturally related academic needs of American Indian and Alaska Native students;

"(2)(A) is consistent with, and promotes the goals in, the State and local improvement plans, either approved or being developed, under title III of the Goals 2000: Educate America Act or, if such plans are not approved or being developed, with the State and local plans under sections 1111 and 1112 of this Act; and

"(B) includes academic content and student performance goals for such children, and benchmarks for attaining such goals, that are based on the challenging State standards adopted under title I for all children;

"(3) explains how Federal, State, and local programs, especially under title I, will meet the needs of such students;

"(4) demonstrates how funds made available under this subpart will be used for activities described in section 9115;

"(5) describes the professional development opportunities that will be provided, as needed, to ensure that—

"(A) teachers and other school professionals who are new to the Indian community are prepared to work with Indian children; and

"(B) all teachers who will be involved in programs assisted under this subpart have been properly trained to carry out such programs; and

"(6) describes how the local educational agency—

"(A) will periodically assess the progress of all Indian children enrolled in the schools of the local educational agency, including Indian children who do not participate in programs assisted under this subpart, in meeting the goals described in paragraph (2);

"(B) will provide the results of each assessment referred to in subparagraph (A) to—

"(i) the committee of parents described in subsection (c)(4); and

"(ii) the community served by the local educational agency; and

"(C) is responding to findings of any previous assessments that are similar to the assessments described in subparagraph (A).

"(c) ASSURANCES.—*Each application submitted under subsection (a) shall include assurances that—*

"(1) the local educational agency will use funds received under this subpart only to supplement the level of funds that, in the absence of the Federal funds made available under this subpart, such agency would make available for the education of Indian children, and not to supplant such funds;

"(2) the local educational agency will submit such reports to the Secretary, in such form and containing such information, as the Secretary may require to—

"(A) carry out the functions of the Secretary under this subpart; and

"(B) determine the extent to which funds provided to the local educational agency under this subpart are effective in improving the educational achievement of Indian students served by such agency;

"(3) the program for which assistance is sought—

"(A) is based on a local assessment and prioritization of the special educational and culturally related academic needs of the American Indian and Alaska Native students for whom the local educational agency is providing an education;

"(B) will use the best available talents and resources, including individuals from the Indian community; and

"(C) was developed by such agency in open consultation with parents of Indian children and teachers, and, if appropriate, Indian students from secondary schools, including public hearings held by such agency to provide the individuals described in this subparagraph a full opportunity to understand the program and to offer recommendations regarding the program; and

"(4) the local educational agency developed the program with the participation and written approval of a committee—

"(A) that is composed of, and selected by—

"(i) parents of Indian children in the local educational agency's schools and teachers; and

"(ii) if appropriate, Indian students attending secondary schools;

"(B) the membership of which is at least more than one-half parents of Indian children;

"(C) that sets forth such policies and procedures, including policies and procedures relating to the hiring of personnel, as will ensure that the program for which assistance is sought will be operated and evaluated in consultation with, and with the involvement of, parents of the children, and representatives of the area, to be served;

"(D) with respect to an application describing a schoolwide program in accordance with section 9115(c), has—

"(i) reviewed in a timely fashion the program; and

"(ii) determined that the program will not diminish the availability of culturally related activities for American Indians and Alaskan Native students; and

"(E) has adopted reasonable bylaws for the conduct of the activities of the committee and abides by such bylaws.

"SEC. 9115. AUTHORIZED SERVICES AND ACTIVITIES.

"(a) General Requirements.—Each local educational agency that receives a grant under this subpart shall use the grant funds, in a manner consistent with the purpose specified in section 9111, for services and activities that—

"(1) are designed to carry out the comprehensive plan of the local educational agency for Indian students, and described in the application of the local educational agency submitted to the Secretary under section 9114(b);

"(2) are designed with special regard for the language and cultural needs of the Indian students; and

"(3) supplement and enrich the regular school program of such agency.

"(b) Particular Activities.—The services and activities referred to in subsection (a) may include—

"(1) culturally related activities that support the program described in the application submitted by the local educational agency;

"(2) early childhood and family programs that emphasize school readiness;

"(3) enrichment programs that focus on problem-solving and cognitive skills development and directly support the attainment of challenging State content standards and State student performance standards;

"(4) integrated educational services in combination with other programs that meet the needs of Indian children and their families;

"(5) school-to-work transition activities to enable Indian students to participate in programs such as the programs supported by the School-to-Work Opportunities Act of 1994 and the Carl D. Perkins Vocational and Applied Technology Education Act, including programs for tech-prep, mentoring, and apprenticeship;

"(6) activities to educate individuals concerning substance abuse and to prevent substance abuse; and

"(7) the acquisition of equipment, but only if the acquisition of the equipment is essential to meet the purpose described in section 9111.

"(c) SCHOOLWIDE PROGRAMS.—Notwithstanding any other provision of law, a local educational agency may use funds made available to such agency under this subpart to support a schoolwide program under section 1114 if—

"(1) the committee composed of parents established pursuant to section 9114(c)(4) approves the use of the funds for the schoolwide program; and

"(2) the schoolwide program is consistent with the purpose described in section 9111.

"SEC. 9116. STUDENT ELIGIBILITY FORMS.

"(a) IN GENERAL.—The Secretary shall require that, as part of an application for a grant under this subpart, each applicant shall maintain a file, with respect to each Indian child for whom the local educational agency provides a free public education, that contains a form that sets forth information establishing the status of the child as an Indian child eligible for assistance under this subpart and that otherwise meets the requirements of subsection (b).

"(b) FORMS.—

"(1) IN GENERAL.—The form described in subsection (a) shall include—

"(A) either—

"(i)(I) the name of the tribe or band of Indians (as defined in section 9161(4)) with respect to which the child claims membership;

"(II) the enrollment number establishing the membership of the child (if readily available); and

"(III) the name and address of the organization that maintains updated and accurate membership data for such tribe or band of Indians; or

"(ii) if the child is not a member of a tribe or band of Indians, the name, the enrollment number (if readily available), and the organization (and address thereof) responsible for maintaining updated and accurate membership rolls of any parent or grandparent of the child from whom the child claims eligibility;

"(B) a statement of whether the tribe or band of Indians with respect to which the child, parent or grandparent of the child claims membership is federally recognized;

"(C) the name and address of the parent or legal guardian of the child;

"(D) a signature of the parent or legal guardian of the child that verifies the accuracy of the information supplied; and

"(E) any other information that the Secretary considers necessary to provide an accurate program profile.

"(2) MINIMUM INFORMATION.—In order for a child to be eligible to be counted for the purpose of computing the amount of a grant award made under section 9113, an eligibility form prepared pursuant to this section for a child shall include—

"(A) the name of the child;

"(B) the name of the tribe or band of Indians (as defined in section 9161(4)) with respect to which the child claims eligibility; and

"(C) the dated signature of the parent or guardian of the child.

"(3) FAILURE.—The failure of an applicant to furnish any information described in this subsection other than the information described in paragraph (2) with respect to any child shall have no bearing on the determination of whether the child is an eligible Indian child for the purposes of determining the amount of a grant award made under section 9113.

"(c) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to affect a definition contained in section 9161.

"(d) FORMS AND STANDARDS OF PROOF.—The forms and the standards of proof (including the standard of good faith compliance) that were in use during the 1985–1986 academic year to establish the eligibility of a child for entitlement under the Indian Elementary and Secondary School Assistance Act shall be the forms and standards of proof used—

"(1) to establish such eligibility; and

"(2) to meet the requirements of subsection (a).

"(e) DOCUMENTATION.—For purposes of determining whether a child is eligible to be counted for the purpose of computing the amount of a grant under section 9113, the membership of the child, or any parent or grandparent of the child, in a tribe or band of Indians may be established by proof other than an enrollment number, notwithstanding the availability of an enrollment number for a member of such tribe or band. Nothing in subsection (b) shall be construed to require the furnishing of an enrollment number.

"(f) MONITORING AND EVALUATION REVIEW.—

"(1) IN GENERAL.—(A) For each fiscal year, in order to provide such information as is necessary to carry out the responsibility of the Secretary to provide technical assistance under this subpart, the Secretary shall conduct a monitoring and evaluation review of a sampling of the recipients of grants under this subpart. The sampling conducted under this subparagraph shall take into account size of the local educational agency and the geographic location of such agency.

"(B) A local educational agency may not be held liable to the United States or be subject to any penalty, by reason of the findings of an audit that relates to the date of completion, or the date of submission, of any forms used to establish, before April 28, 1988, the eligibility of a child for entitlement under the Indian Elementary and Secondary School Assistance Act.

"(2) FALSE INFORMATION.—Any local educational agency that provides false information in an application for a grant under this subpart shall—

"(A) be ineligible to apply for any other grant under this subpart; and

"(B) be liable to the United States for any funds that have not been expended.

"(3) EXCLUDED CHILDREN.—A student who provides false information for the form required under subsection (d) shall not be counted for the purpose of computing the amount of a grant under section 9113.

"(g) DISTRIBUTION.—For the purposes of the distribution of funds under this subpart to schools that receive funding from the Bureau of Indian Affairs pursuant to—

"(1) section 1130 of the Education Amendments of 1978; and

"(2) the Act of April 16, 1934 (48 Stat. 596, chapter 147), the Secretary shall, in lieu of meeting the requirements of this section for counting Indian children, use a count of the number of students in such schools certified by the Bureau of Indian Affairs.

"SEC. 9117. PAYMENTS.

"(a) IN GENERAL.—Subject to subsections (b) and (c), the Secretary shall pay to each local educational agency that submits an application that is approved by the Secretary under this subpart the amount determined under section 9113. The Secretary shall notify the local educational agency of the amount of the payment not later than June 1 of the year for which the Secretary makes the payment.

"(b) PAYMENTS TAKEN INTO ACCOUNT BY THE STATE.—The Secretary may not make a grant under this subpart to a local educational agency for a fiscal year if, for such fiscal year, the State in which the local educational agency is located takes into consideration payments made under this subpart (or under subpart 1 of the Indian Education Act of 1988) in determining the eligibility of the local educational agency for State aid, or the amount of the State aid, with respect to the free public education of children during such fiscal year or the preceding fiscal year.

"(c) REDUCTION OF PAYMENT FOR FAILURE TO MAINTAIN FISCAL EFFORT.—

"(1) IN GENERAL.—The Secretary may not pay a local educational agency the full amount of a grant award determined under section 9113 for any fiscal year unless the State educational agency notifies the Secretary, and the Secretary determines, that with respect to the provision of free public education by the local educational agency for the preceding fiscal year, that the combined fiscal effort of the local educational agency and the State, computed on either a per student or aggregate expenditure basis was not less than 90 percent of the amount of the combined fiscal effort, computed on the same basis, for the second preceding fiscal year.

"(2) FAILURE.—If, for any fiscal year, the Secretary determines that a local educational agency failed to maintain the fiscal effort of such agency at the level specified in paragraph (1), the Secretary shall—

"(A) reduce the amount of the grant that would otherwise be made to such agency under this subpart in the exact proportion of such agency's failure to maintain its fiscal effort at such level; and

"(B) not use the reduced amount of the agency's expenditures for the preceding year to determine compliance with paragraph (1) for any succeeding fiscal year, but shall use the amount of expenditures that would have been required to comply with paragraph (1).

"(3) WAIVER.—(A) The Secretary may waive the requirement of paragraph (1), for not more than one year at a time, if the

Secretary determines that the failure to comply with such requirement is due to exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the agency's financial resources.

"(B) The Secretary shall not use the reduced amount of such agency's expenditures for the fiscal year preceding the fiscal year for which a waiver is granted to determine compliance with paragraph (1) for any succeeding fiscal year, but shall use the amount of expenditures that would have been required to comply with paragraph (1) in the absence of the waiver.

"(d) Reallocations.—The Secretary may reallocate, in a manner that the Secretary determines will best carry out the purpose of this subpart, any amounts that—

"(1) based on estimates made by local educational agencies or other information, the Secretary determines will not be needed by such agencies to carry out approved programs under this subpart; or

"(2) otherwise become available for reallocation under this subpart.

"SEC. 9118. STATE EDUCATIONAL AGENCY REVIEW.

"(a) Application.—Each entity desiring assistance under this subpart shall submit an application to the Secretary at such time, in such manner and accompanied by such information as the Secretary may reasonably require except that this subsection shall not apply to Bureau-funded schools.

"(b) Special Rule.—Before submitting an application under subsection (a) to the Secretary, the entity shall submit its application to the State educational agency. The State educational agency may comment on such application, however if such agency comments on such application such agency shall comment on all applications submitted by entities within the State and shall provide such comments to the appropriate local educational agency, which local educational agency shall be given an opportunity to respond to such comments.

"Subpart 2—Special Programs and Projects To Improve Educational Opportunities for Indian Children

"SEC. 9121. IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN.

"(a) Purpose.—

"(1) In general.—It is the purpose of this section to support projects to develop, test, and demonstrate the effectiveness of services and programs to improve educational opportunities and achievement of Indian children.

"(2) Coordination.—The Secretary shall take such actions as are necessary to achieve the coordination of activities assisted under this subpart with—

"(A) other programs funded under this Act; and

"(B) other Federal programs operated for the benefit of American Indian and Alaska Native children.

"(b) ELIGIBLE ENTITIES.—*For the purpose of this section, the term 'eligible entity' means a State educational agency, local educational agency, Indian tribe, Indian organization, federally supported elementary and secondary school for Indian students, Indian institution, including an Indian institutions of higher education, or a consortium of such institutions.*

"(c) GRANTS AUTHORIZED.—

"(1) IN GENERAL.—*The Secretary shall award grants to eligible entities to enable such entities to carry out activities that meet the purpose specified in subsection (a)(1), including—*

"(A) *innovative programs related to the educational needs of educationally deprived children;*

"(B) *educational services that are not available to such children in sufficient quantity or quality, including remedial instruction, to raise the achievement of Indian children in one or more of the core academic subjects of English, mathematics, science, foreign languages, art, history, and geography;*

"(C) *bilingual and bicultural programs and projects;*

"(D) *special health and nutrition services, and other related activities, that address the special health, social, and psychological problems of Indian children;*

"(E) *special compensatory and other programs and projects designed to assist and encourage Indian children to enter, remain in, or reenter school, and to increase the rate of secondary school graduation;*

"(F) *comprehensive guidance, counseling, and testing services;*

"(G) *early childhood and kindergarten programs, including family-based preschool programs that emphasize school readiness and parental skills, and the provision of services to Indian children with disabilities;*

"(H) *partnership projects between local educational agencies and institutions of higher education that allow secondary school students to enroll in courses at the postsecondary level to aid such students in the transition from secondary school to postsecondary education;*

"(I) *partnership projects between schools and local businesses for school-to-work transition programs designed to provide Indian youth with the knowledge and skills the youth need to make an effective transition from school to a first job in a high-skill, high-wage career;*

"(J) *programs designed to encourage and assist Indian students to work toward, and gain entrance into, an institution of higher education; or*

"(K) *other services that meet the purpose described in subsection (a)(1).*

"(2) PRESERVICE OR INSERVICE TRAINING.—*Preservice or inservice training of professional and paraprofessional personnel may be a part of any program assisted under this section.*

"(d) GRANT REQUIREMENTS AND APPLICATIONS.—

"(1) GRANT REQUIREMENTS.—(A) The Secretary may make multiyear grants under this section for the planning, development, pilot operation, or demonstration of any activity described in subsection (c) for a period not to exceed 5 years.

"(B) In making multiyear grants under this section, the Secretary shall give priority to applications that present a plan for combining two or more of the activities described in subsection (c) over a period of more than 1 year.

"(C) The Secretary shall make a grant payment to an eligible entity after the initial year of the multiyear grant only if the Secretary determines that the eligible entity has made substantial progress in carrying out the activities assisted under the grant in accordance with the application submitted under paragraph (2) and any subsequent modifications to such application.

"(D)(i) In addition to awarding the multiyear grants described in subparagraph (A), the Secretary may award grants to eligible entities for the dissemination of exemplary materials or programs assisted under this section.

"(ii) The Secretary may award a dissemination grant under this subparagraph if, prior to awarding the grant, the Secretary determines that the material or program to be disseminated has been adequately reviewed and has a demonstrated—

"(I) educational merit; and

"(II) the ability to be replicated.

"(2) APPLICATION.—(A) Any eligible entity that desires to receive a grant under this subsection shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

"(B) Each application submitted to the Secretary under subparagraph (A) shall contain—

"(i) a description of how parents of Indian children and representatives of Indian tribes have been, and will be, involved in developing and implementing the activities for which assistance is sought;

"(ii) assurances that the applicant will participate, at the request of the Secretary, in any national evaluation of activities assisted under this section; and

"(iii) such other assurances and information as the Secretary may reasonably require.

"SEC. 9122. PROFESSIONAL DEVELOPMENT.

"(a) PURPOSES.—The purposes of this section are—

"(1) to increase the number of qualified Indian individuals in professions that serve Indian people;

"(2) to provide training to qualified Indian individuals to enable such individuals to become teachers, administrators, teacher aides, social workers, and ancillary educational personnel; and

"(3) to improve the skills of qualified Indian individuals who serve in the capacities described in paragraph (2).

"(b) ELIGIBLE ENTITIES.—For the purpose of this section, the term 'eligible entity' means—

"(1) an institution of higher education, including an Indian institution of higher education;

"(2) a State or local educational agency, in consortium with an institution of higher education; and

"(3) an Indian tribe or organization, in consortium with an institution of higher education.

"(c) PROGRAM AUTHORIZED.—The Secretary is authorized to award grants to eligible entities having applications approved under this section to enable such entities to carry out the activities described in subsection (d).

"(d) AUTHORIZED ACTIVITIES.—

"(1) IN GENERAL.—Grant funds under this section shall be used to provide support and training for Indian individuals in a manner consistent with the purposes of this section. Such activities may include but are not limited to, continuing programs, symposia, workshops, conferences, and direct financial support.

"(2) SPECIAL RULES.—(A) For education personnel, the training received pursuant to a grant under this section may be inservice or preservice training.

"(B) For individuals who are being trained to enter any field other than education, the training received pursuant to a grant under this section shall be in a program that results in a graduate degree.

"(e) APPLICATION.—

"(1) IN GENERAL.—Each eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner and accompanied by such information, as the Secretary may reasonably require.

"(2) PREFERENCE.—In awarding grants under this section, the Secretary shall give preference to applications describing programs that train Indian individuals.

"(f) SPECIAL RULE.—In making grants under this section, the Secretary—

"(1) shall consider the prior performance of the eligible entity; and

"(2) may not limit eligibility to receive a grant under this section on the basis of—

"(A) the number of previous grants the Secretary has awarded such entity; or

"(B) the length of any period during which such entity received such grants.

"(g) GRANT PERIOD.—Each grant under this section shall be awarded for a program of not more than 5 years.

"(h) SERVICE OBLIGATION.—

"(1) IN GENERAL.—The Secretary shall require, by regulation, that an individual who receives training pursuant to a grant made under this section—

"(A) perform work—

"(i) related to the training received under this section; and

"(ii) that benefits Indian people; or

"(B) repay all or a prorated part of the assistance received.

"(2) REPORTING.—The Secretary shall establish, by regulation, a reporting procedure under which a grant recipient under

this section shall, not later than 12 months after the date of completion of the training, and periodically thereafter, provide information concerning the compliance of such recipient with the work requirement under paragraph (1).

"SEC. 9123. FELLOWSHIPS FOR INDIAN STUDENTS.

"(a) FELLOWSHIPS.—

"(1) AUTHORITY.—The Secretary is authorized to award fellowships to Indian students to enable such students to study in graduate and professional programs at institutions of higher education.

"(2) REQUIREMENTS.—The fellowships described in paragraph (1) shall be awarded to Indian students to enable such students to pursue a course of study—

"(A) of not more than 4 academic years; and

"(B) that leads—

"(i) toward a postbaccalaureate degree in medicine, clinical psychology, psychology, law, education, and related fields; or

"(ii) to an undergraduate or graduate degree in engineering, business administration, natural resources, and related fields.

"(b) STIPENDS.—The Secretary shall pay to Indian students awarded fellowships under subsection (a) such stipends (including allowances for subsistence of such students and dependents of such students) as the Secretary determines to be consistent with prevailing practices under comparable federally supported programs.

"(c) PAYMENTS TO INSTITUTIONS IN LIEU OF TUITION.—The Secretary shall pay to the institution of higher education at which a fellowship recipient is pursuing a course of study, in lieu of tuition charged such recipient, such amounts as the Secretary may determine to be necessary to cover the cost of education provided such recipient.

"(d) SPECIAL RULES.—

"(1) IN GENERAL.—If a fellowship awarded under subsection (a) is vacated prior to the end of the period for which the fellowship is awarded, the Secretary may award an additional fellowship for the unexpired portion of the period of the fellowship.

"(2) WRITTEN NOTICE.—Not later than 45 days before the commencement of an academic term, the Secretary shall provide to each individual who is awarded a fellowship under subsection (a) for such academic term written notice of—

"(A) the amount of the fellowship; and

"(B) any stipends or other payments that will be made under this section to, or for the benefit of, the individual for the academic term.

"(3) PRIORITY.—Not more than 10 percent of the fellowships awarded under subsection (a) shall be awarded, on a priority basis, to persons receiving training in guidance counseling with a speciality in the area of alcohol and substance abuse counseling and education.

"(e) SERVICE OBLIGATION.—

"(1) In general.—The Secretary shall require, by regulation, that an individual who receives financial assistance under this section—

"(A) perform work—

"(i) related to the training for which the individual receives assistance under this section; and

"(ii) that benefits Indian people; or

"(B) repay all or a prorated portion of such assistance.

"(2) Reporting procedure.—The Secretary shall establish, by regulation, a reporting procedure under which the recipient of training assistance under this section, not later than 12 months after the date of completion of the training and periodically thereafter, shall provide information concerning the compliance of such recipient with the work requirement under paragraph (1).

"(f) Administration of Fellowships.—The Secretary may administer the fellowships authorized under this section through a grant to, or contract or cooperative agreement with, an Indian organization with demonstrated qualifications to administer all facets of the program assisted under this section.

"SEC. 9124. GIFTED AND TALENTED.

"(a) Program Authorized.—The Secretary is authorized to—

"(1) establish two centers for gifted and talented Indian students at tribally controlled community colleges in accordance with this section; and

"(2) support demonstration projects described in subsection (c).

"(b) Eligible Entities.—The Secretary shall make grants to, or enter into contracts, for the activities described in subsection (a), with—

"(1) two tribally controlled community colleges that—

"(A) are eligible for funding under the Tribally Controlled Community College Assistance Act of 1978; and

"(B) are fully accredited; or

"(2) if the Secretary does not receive applications that the Secretary determines to be approvable from two colleges that meet the requirements of paragraph (1), the American Indian Higher Education Consortium.

"(c) Use of Funds.—

"(1) In general.—The grants made, or contracts entered into, by the Secretary under subsection (a) shall be used for—

"(A) the establishment of centers described in subsection (a); and

"(B) carrying out demonstration projects designed to—

"(i) address the special needs of Indian students in elementary and secondary schools who are gifted and talented; and

"(ii) provide such support services to the families of the students described in clause (i) as are needed to enable such students to benefit from the projects.

"(2) Subcontracts.—Each recipient of a grant or contract under subsection (a) may enter into a contract with any other entity, including the Children's Television Workshop, to carry out the demonstration project under this subsection.

"(3) DEMONSTRATION PROJECTS.—Demonstration projects assisted under subsection (a) may include—

"(A) the identification of the special needs of gifted and talented Indian students, particularly at the elementary school level, giving attention to—

"(i) the emotional and psychosocial needs of such students; and

"(ii) providing such support services to the families of such students as are needed to enable such students to benefit from the project;

"(B) the conduct of educational, psychosocial, and developmental activities that the Secretary determines holds a reasonable promise of resulting in substantial progress toward meeting the educational needs of such gifted and talented children, including but not limited to—

"(i) demonstrating and exploring the use of Indian languages and exposure to Indian cultural traditions; and

"(ii) mentoring and apprenticeship programs;

"(C) the provision of technical assistance and the coordination of activities at schools that receive grants under subsection (d) with respect to the activities assisted under such grants, the evaluation of programs assisted under such grants, or the dissemination of such evaluations;

"(D) the use of public television in meeting the special educational needs of such gifted and talented children;

"(E) leadership programs designed to replicate programs for such children throughout the United States, including disseminating information derived from the demonstration projects conducted under subsection (a); and

"(F) appropriate research, evaluation, and related activities pertaining to the needs of such children and to the provision of such support services to the families of such children that are needed to enable such children to benefit from the project.

"(4) APPLICATION.—Each entity desiring a grant under subsection (a) shall submit an application to the Secretary at such time and in such manner as the Secretary may prescribe.

"(d) ADDITIONAL GRANTS.—

"(1) IN GENERAL.—The Secretary, in consultation with the Secretary of the Interior, shall award 5 grants to schools funded by the Bureau of Indian Affairs (hereafter in this section referred to as 'Bureau schools') for program research and development and the development and dissemination of curriculum and teacher training material, regarding—

"(A) gifted and talented students;

"(B) college preparatory studies (including programs for Indian students with an interest in pursuing teaching careers);

"(C) students with special culturally related academic needs, including students with social, lingual, and cultural needs; or

"(D) mathematics and science education.

"(2) APPLICATIONS.—Each Bureau school desiring a grant to conduct one or more of the activities described in paragraph (1) shall submit an application to the Secretary in such form and at such time as the Secretary may prescribe.

"(3) SPECIAL RULE.—Each application described in paragraph (2) shall be developed, and each grant under this subsection shall be administered, jointly by the supervisor of the Bureau school and the local educational agency serving such school.

"(4) REQUIREMENTS.—In awarding grants under paragraph (1), the Secretary shall achieve a mixture of the programs described in paragraph (1) that ensures that Indian students at all grade levels and in all geographic areas of the United States are able to participate in a program assisted under this subsection.

"(5) GRANT PERIOD.—Subject to the availability of appropriations, grants under paragraph (1) shall be awarded for a 3-year period and may be renewed by the Secretary for additional 3-year periods if the Secretary determines that the performance of the grant recipient has been satisfactory.

"(6) DISSEMINATION.—(A) The dissemination of any materials developed from activities assisted under paragraph (1) shall be carried out in cooperation with entities that receive funds pursuant to subsection (b).

"(B) The Secretary shall report to the Secretary of the Interior and to the Congress any results from activities described in paragraph (3)(B).

"(7) EVALUATION COSTS.—(A) The costs of evaluating any activities assisted under paragraph (1) shall be divided between the Bureau schools conducting such activities and the recipients of grants or contracts under subsection (b) who conduct demonstration projects under such subsection.

"(B) If no funds are provided under subsection (b) for—

"(i) the evaluation of activities assisted under paragraph (1);

"(ii) technical assistance and coordination with respect to such activities; or

"(iii) the dissemination of the evaluations referred to in clause (i),

then the Secretary shall make such grants, or enter into such contracts, as are necessary to provide for the evaluations, technical assistance, and coordination of such activities, and the dissemination of the evaluations.

"(e) INFORMATION NETWORK.—The Secretary shall encourage each recipient of a grant or contract under this section to work cooperatively as part of a national network to ensure that the information developed by the grant or contract recipient is readily available to the entire educational community.

"SEC. 9125. GRANTS TO TRIBES FOR EDUCATION ADMINISTRATIVE PLANNING AND DEVELOPMENT.

"(a) IN GENERAL.—The Secretary may make grants to Indian tribes, and tribal organizations approved by Indian tribes, to plan and develop a centralized tribal administrative entity to—

"(1) coordinate all education programs operated by the tribe or within the territorial jurisdiction of the tribe;

"(2) develop education codes for schools within the territorial jurisdiction of the tribe;

"(3) provide support services and technical assistance to schools serving children of the tribe; and

"(4) perform child-find screening services for the preschool-aged children of the tribe to—

"(A) ensure placement in appropriate educational facilities; and

"(B) coordinate the provision of any needed special services for conditions such as disabilities and English language skill deficiencies.

"(b) PERIOD OF GRANT.—Each grant under this section may be awarded for a period of not more than 3 years, except that such grant may be renewed upon the termination of the initial period of the grant if the grant recipient demonstrates to the satisfaction of the Secretary that renewing the grant for an additional 3-year period is necessary to carry out the objectives of the grant described in subsection (c)(2)(A).

"(c) APPLICATION FOR GRANT.—

"(1) IN GENERAL.—Each Indian tribe and tribal organization desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, containing such information, and consistent with such criteria, as the Secretary may prescribe in regulations.

"(2) CONTENTS.—Each application described in paragraph (1) shall contain—

"(A) a statement describing the activities to be conducted, and the objectives to be achieved, under the grant; and

"(B) a description of the method to be used for evaluating the effectiveness of the activities for which assistance is sought and determining whether such objectives are achieved.

"(3) APPROVAL.—The Secretary may approve an application submitted by a tribe or tribal organization pursuant to this section only if the Secretary is satisfied that such application, including any documentation submitted with the application—

"(A) demonstrates that the applicant has consulted with other education entities, if any, within the territorial jurisdiction of the applicant who will be affected by the activities to be conducted under the grant;

"(B) provides for consultation with such other education entities in the operation and evaluation of the activities conducted under the grant; and

"(C) demonstrates that there will be adequate resources provided under this section or from other sources to complete the activities for which assistance is sought, except that the availability of such other resources shall not be a basis for disapproval of such application.

"(d) RESTRICTION.—A tribe may not receive funds under this section if such tribe receives funds under section 1144 of the Indian Education Amendments of 1978.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Education $3,000,000 for each of the fiscal years 1995 through 1999 to carry out this section.

"Subpart 3—Special Programs Relating to Adult Education for Indians

"SEC. 9131. IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR ADULT INDIANS.

"(a) IN GENERAL.—The Secretary shall award grants to State and local educational agencies, and to Indian tribes, institutions, and organizations—

"(1) to support planning, pilot, and demonstration projects that are designed to test and demonstrate the effectiveness of programs for improving employment and educational opportunities for adult Indians;

"(2) to assist in the establishment and operation of programs that are designed to stimulate—

"(A) basic literacy opportunities for all nonliterate Indian adults; and

"(B) the provision of opportunities to all Indian adults to qualify for a secondary school diploma, or its recognized equivalent, in the shortest period of time feasible;

"(3) to support a major research and development program to develop more innovative and effective techniques for achieving literacy and secondary school equivalency for Indians;

"(4) to provide for basic surveys and evaluations to define accurately the extent of the problems of illiteracy and lack of secondary school completion among Indians; and

"(5) to encourage the dissemination of information and materials relating to, and the evaluation of, the effectiveness of education programs that may offer educational opportunities to Indian adults.

"(b) EDUCATIONAL SERVICES.—The Secretary may make grants to Indian tribes, institutions, and organizations to develop and establish educational services and programs specifically designed to improve educational opportunities for Indian adults.

"(c) INFORMATION AND EVALUATION.—The Secretary may make grants to, and enter into contracts with, public agencies and institutions and Indian tribes, institutions, and organizations, for—

"(1) the dissemination of information concerning educational programs, services, and resources available to Indian adults, including evaluations of the programs, services, and resources; and

"(2) the evaluation of federally assisted programs in which Indian adults may participate to determine the effectiveness of the programs in achieving the purposes of the programs with respect to Indian adults.

"(d) APPLICATIONS.—

"(1) IN GENERAL.—Each entity desiring a grant under this section shall submit to the Secretary an application at such time, in such manner, containing such information, and consistent with such criteria, as the Secretary may prescribe in regulations.

"(2) CONTENTS.—Each application described in paragraph (1) shall contain—

"(A) a statement describing the activities to be conducted, and the objectives to be achieved, under the grant; and

"(B) a description of the method to be used for evaluating the effectiveness of the activities for which assistance is sought and determining whether the objectives of the grant are achieved.

"(3) APPROVAL.—The Secretary shall not approve an application described in paragraph (1) unless the Secretary determines that such application, including any documentation submitted with the application, indicates—

"(A) there has been adequate participation, by the individuals to be served and appropriate tribal communities, in the planning and development of the activities to be assisted; and

"(B) the individuals and tribal communities referred to in subparagraph (A) will participate in the operation and evaluation of the activities to be assisted.

"(4) PRIORITY.—In approving applications under paragraph (1), the Secretary shall give priority to applications from Indian educational agencies, organizations, and institutions.

"Subpart 4—National Research Activities

"SEC. 9141. NATIONAL ACTIVITIES.

"(a) AUTHORIZED ACTIVITIES.—The Secretary may use funds made available under section 9162(b) for each fiscal year to—

"(1) conduct research related to effective approaches for the education of Indian children and adults;

"(2) evaluate federally assisted education programs from which Indian children and adults may benefit;

"(3) collect and analyze data on the educational status and needs of Indians; and

"(4) carry out other activities that are consistent with the purpose of this part.

"(b) ELIGIBILITY.—The Secretary may carry out any of the activities described in subsection (a) directly or through grants to, or contracts or cooperative agreements with Indian tribes, Indian organizations, State educational agencies, local educational agencies, institutions of higher education, including Indian institutions of higher education, and other public and private agencies and institutions.

"(c) COORDINATION.—Research activities supported under this section—

"(1) shall be carried out in consultation with the Office of Educational Research and Improvement to assure that such activities are coordinated with and enhance the research and development activities supported by the Office; and

"(2) may include collaborative research activities which are jointly funded and carried out by the Office of Indian Education and the Office of Educational Research and Improvement.

"Subpart 5—Federal Administration

"SEC. 9151. NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION.

"(a) MEMBERSHIP.—There is established a National Advisory Council on Indian Education (hereafter in this section referred to as the 'Council'), which shall—

"(1) consist of 15 Indian members, who shall be appointed by the President from lists of nominees furnished, from time to time, by Indian tribes and organizations; and

"(2) represent different geographic areas of the United States.

"(b) DUTIES.—The Council shall—

"(1) advise the Secretary concerning the funding and administration (including the development of regulations and administrative policies and practices) of any program, including any program established under this part—

"(A) with respect to which the Secretary has jurisdiction; and

"(B)(i) that includes Indian children or adults as participants; or

"(ii) that may benefit Indian children or adults;

"(2) make recommendations to the Secretary for filling the position of Director of Indian Education whenever a vacancy occurs; and

"(3) submit to the Congress, not later than June 30 of each year, a report on the activities of the Council, including—

"(A) any recommendations that the Council considers appropriate for the improvement of Federal education programs that include Indian children or adults as participants, or that may benefit Indian children or adults; and

"(B) recommendations concerning the funding of any program described in subparagraph (A).

"SEC. 9152. PEER REVIEW.

"The Secretary may use a peer review process to review applications submitted to the Secretary under subpart 2, 3, or 4.

"SEC. 9153. PREFERENCE FOR INDIAN APPLICANTS.

"In making grants under subpart 2, 3, or 4, the Secretary shall give a preference to Indian tribes, organizations, and institutions of higher education under any program with respect to which Indian tribes, organizations, and institutions are eligible to apply for grants.

"SEC. 9154. MINIMUM GRANT CRITERIA.

"The Secretary may not approve an application for a grant under subpart 2 or 3 unless the application is for a grant that is—

"(1) of sufficient size, scope, and quality to achieve the purpose or objectives of such grant; and

"(2) based on relevant research findings.

"Subpart 6—Definitions; Authorizations of Appropriations

"SEC. 9161. DEFINITIONS.

"As used in this part:

"(1) ADULT.—The term 'adult' means an individual who—

"(A) has attained the age of 16 years; or

"(B) has attained an age that is greater than the age of compulsory school attendance under an applicable State law.

"(2) ADULT EDUCATION.—The term 'adult education' has the meaning given such term in section 312(2) of the Adult Education Act.

"(3) FREE PUBLIC EDUCATION.—The term 'free public education' means education that is—

"(A) provided at public expense, under public supervision and direction, and without tuition charge; and

"(B) provided as elementary or secondary education in the applicable State or to preschool children.

"(4) INDIAN.—The term 'Indian' means an individual who is—

"(A) a member of an Indian tribe or band, as membership is defined by the tribe or band, including—

"(i) any tribe or band terminated since 1940; and

"(ii) any tribe or band recognized by the State in which the tribe or band resides;

"(B) a descendant, in the first or second degree, of an individual described in subparagraph (A);

"(C) considered by the Secretary of the Interior to be an Indian for any purpose;

"(D) an Eskimo, Aleut, or other Alaska Native; or

"(E) a member of an organized Indian group that received a grant under the Indian Education Act of 1988 as it was in effect the day preceding the date of enactment of the Act entitled the 'Improving America's Schools Act of 1994'.

"SEC. 9162. AUTHORIZATIONS OF APPROPRIATIONS.

"(a) SUBPART 1.—For the purpose of carrying out subpart 1 of this part, there are authorized to be appropriated to the Department of Education $61,300,000 for fiscal year 1995 and such sums as may be necessary for each of the four succeeding fiscal years.

"(b) SUBPARTS 2 THROUGH 4.—For the purpose of carrying out subparts 2, 3, and 4 of this part, there are authorized to be appropriated to the Department of Education $26,000,000 for fiscal year 1995 and such sums as may be necessary for each of the four succeeding fiscal years.

"(c) SUBPART 5.—For the purpose of carrying out subpart 5 of this part, there are authorized to be appropriated to the Department of Education $3,775,000 for fiscal year 1995 and such sums as may be necessary for each of the four succeeding fiscal years.

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"PART B—NATIVE HAWAIIANS

"SEC. 9201. SHORT TITLE.

"This part may be cited as the 'Native Hawaiian Education Act'.

"SEC. 9202. FINDINGS.

"The Congress finds and declares as follows:

"(1) Native Hawaiians are a distinct and unique indigenous people with a historical continuity to the original inhabitants of the Hawaiian archipelago, whose society was organized as a nation and internationally recognized as such by the United States, Britain, France and Japan, as evidenced by treaties governing friendship, commerce, and navigation.

"(2) At the time of the arrival of the first non-indigenous people in Hawai'i in 1778, the Native Hawaiian people lived in a highly organized, self-sufficient subsistence social system based on a communal land tenure system with a sophisticated language, culture, and religion.

"(3) A unified monarchial government of the Hawaiian Islands was established in 1810 under Kamehameha I, the first King of Hawai'i.

"(4) From 1826 until 1893, the United States recognized the sovereignty and independence of the Kingdom of Hawai'i, which was established in 1810 under Kamehameha I, extended full and complete diplomatic recognition to the Kingdom of Hawai'i, and entered into treaties and conventions with the Kingdom of Hawai'i to govern friendship, commerce and navigation in 1826, 1842, 1849, 1875, and 1887.

"(5) In 1893, the sovereign, independent, internationally recognized, and indigenous government of Hawai'i, the Kingdom of Hawai'i, was overthrown by a small group of non-Hawaiians, including United States citizens, who were assisted in their efforts by the United States Minister, a United States naval representative, and armed naval forces of the United States. Because of the participation of United States agents and citizens in the overthrow of the Kingdom of Hawai'i, the Congress, on behalf of the people of the United States, apologized to Native Hawaiians for the overthrow and the deprivation of the rights of Native Hawaiians to self-determination through Public Law 103-150 (107 Stat. 1510).

"(6) In 1898, the joint resolution entitled 'A Joint Resolution to provide for annexing the Hawaiian Islands to the United States', approved July 7, 1898 (30 Stat. 750), ceded absolute title of all lands held by the Republic of Hawai'i, including the government and crown lands of the former Kingdom of Hawai'i, to the United States, but mandated that revenue generated from these lands be used 'solely for the benefit of the inhabitants of the Hawaiian Islands for educational and other public purposes'.

"(7) By 1919, the Native Hawaiian population had declined from an estimated 1,000,000 in 1778 to an alarming 22,600, and in recognition of this severe decline, the Congress in 1921

enacted the Hawaiian Homes Commission Act, 1920, which designated approximately 200,000 acres of ceded public lands for homesteading by Native Hawaiians.

"(8) Through the enactment of the Hawaiian Homes Commission Act, 1920, the Congress affirmed the special relationship between the United States and the Native Hawaiians, as expressed by then Secretary of the Interior Franklin K. Lane, who was quoted in the committee report for the Hawaiian Homes Commission Act, 1920, as saying: 'One thing that impressed me . . . was the fact that the natives of the island who are our wards, I should say, and for whom in a sense we are trustees, are falling off rapidly in numbers and many of them are in poverty.'.

"(9) In 1938, the United States Congress again acknowledged the unique status of the Hawaiian people by including in the Act of June 20, 1938 (52 Stat. 781 et seq.), a provision to lease lands within the National Parks extension to Native Hawaiians and to permit fishing in the area 'only by native Hawaiian residents of said area or of adjacent villages and by visitors under their guidance.'.

"(10) Under the Act entitled 'An Act to provide for the admission of the State of Hawai'i into the Union' Approved March 18, 1959 (73 Stat. 4), the United States transferred responsibility for the administration of the Hawaiian Home Lands to the State of Hawai'i but reaffirmed the trust relationship which existed between the United States and the Hawaiian people by retaining the exclusive power to enforce the trust, including the power to approve land exchanges and legislative amendments affecting the rights of beneficiaries under such Act.

"(11) In 1959, under the Act entitled 'An Act to provide for the admission of the State of Hawai'i into the Union', approved March 18, 1959 (73 Stat. 4), the United States ceded to the State of Hawai'i title to the public lands formerly held by the United States, but mandated that such lands be held by the State 'in public trust' and reaffirmed the special relationship which existed between the United States and the Hawaiian people by retaining the legal responsibility to enforce the public trust responsibility of the State of Hawai'i for the betterment of the conditions of Native Hawaiians, as defined in section 201(a) of the Hawaiian Homes Commission Act, 1920.

"(12) The United States assumed special responsibilities for Native Hawaiian lands and resources at the time of the annexation of the Territory in 1898, upon adoption of the Hawaiian Homes Commission Act, 1920, and upon admission of the State of Hawai'i into the Union in 1959, and has retained certain of those responsibilities.

"(13) In recognition of the special relationship which exists between the United States and the Native Hawaiian people, the Congress has extended to Native Hawaiians the same rights and privileges accorded to American Indian, Alaska Native, Eskimo, and Aleut communities under the Native American Programs Act of 1974, the American Indian Religious Freedom Act, the National Museum of the American Indian Act, the Native American Graves Protection and Repatriation Act, the National

Historic Preservation Act, and the Native American Languages Act.

"(14) In recognition of the special relationship which exists between the United States and the Native Hawaiian people, the Congress has enacted numerous special provisions of law for the benefit of Native Hawaiians in the areas of health, education, labor, and housing.

"(15) In 1981, the Senate instructed the Office of Education to submit to the Congress a comprehensive report on Native Hawaiian education. The report, entitled the 'Native Hawaiian Educational Assessment Project', was released in 1983 and documented that Native Hawaiians scored below parity with national norms on standardized achievement tests, were disproportionately represented in many negative social and physical statistics, indicative of special educational needs, and had educational needs which were related to their unique cultural situation, such as different learning styles and low self-image.

"(16) In recognition of the educational needs of Native Hawaiians, in 1988, the Congress enacted title IV of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 to authorize and develop supplemental educational programs to benefit Native Hawaiians.

"(17) In 1993, the Kamehameha Schools Bishop Estate released a ten-year update of the Native Hawaiian Educational Assessment Project, which found that despite the successes of the programs established under title IV of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988, many of the same educational needs still exist for Native Hawaiians. For example—

"(A) educational risk factors continue to start even before birth for many Native Hawaiian children, including—

"(i) late or no prenatal care;

"(ii) half of Native Hawaiian women who give birth are unmarried; and

"(iii) high rates of births to teenage parents;

"(B) Native Hawaiian students continue to begin their school experience lagging behind other students in terms of readiness factors such as vocabulary test scores;

"(C) Native Hawaiian students continue to score below national norms on standardized education achievement tests at all grade levels;

"(D) both public and private schools continue to show a pattern of lower percentages of Native Hawaiian students in the uppermost achievement levels and in gifted and talented programs;

"(E) Native Hawaiian students continue to be overrepresented among students qualifying for special education programs provided to students with learning disabilities, mild mental retardation, emotional impairment, and other such disabilities;

"(F) Native Hawaiians continue to be underrepresented in institutions of higher education and among adults who have completed four or more years of college;

"(G) Native Hawaiians continue to be disproportionately represented in many negative social and physical statistics, indicative of special educational needs, for example—

"(i) Native Hawaiian students are more likely to be retained in grade level and to be excessively absent in secondary school;

"(ii) Native Hawaiian students are the highest users of drugs and alcohol in the State of Hawai'i; and

"(iii) Native Hawaiian children continue to be disproportionately victimized by child abuse and neglect; and

"(H) Native Hawaiians now comprise over 23 percent of the students served by the State of Hawai'i Department of Education and there are and will continue to be geographically rural, isolated areas with a high Native Hawaiian population density.

"(18) The findings described in paragraphs (1) through (17) are contrary to the high rate of literacy and integration of traditional culture and Western education achieved by Native Hawaiians through a Hawaiian language-based public school system established in 1840 by Kamehameha III.

"(19) After the overthrow of the Kingdom of Hawai'i in 1893, Hawaiian medium schools were banned. After annexation, throughout the territorial and statehood period, and until 1986, use of Hawaiian as a medium of education in public schools was declared unlawful, thereby causing incalculable harm to a culture that placed a very high value on the power of language, as exemplified in the traditional saying: 'I ka 'ōlelo no ke ola; I ka 'ōlelo no ka make. In the language rests life; In the language rests death.'.

"(20) Despite the consequences of over 100 years of nonindigenous influence, the Native Hawaiian people are determined to preserve, develop, and transmit to future generations their ancestral territory, and their cultural identity in accordance with their own spiritual and traditional beliefs, customs, practices, language, and social institutions.

"(21) The State of Hawai'i, in the constitution and statutes of the State of Hawai'i—

"(A) reaffirms and protects the unique right of the Native Hawaiian people to practice and perpetuate their culture and religious customs, beliefs, practices, and language; and

"(B) recognizes the traditional language of the Native Hawaiian people as an official language of the State of Hawai'i, which may be used as the language of instruction for all subjects and grades in the public school system.

"SEC. 9203. PURPOSE.

"It is the purpose of this part to—

"(1) authorize and develop supplemental educational programs to assist Native Hawaiians in reaching the National Education Goals;

"(2) provide direction and guidance to appropriate Federal, State, and local agencies to focus resources, including resources

made available under this part, on Native Hawaiian education, through the establishment of a Native Hawaiian Education Council, and five island councils;

"(3) supplement and expand existing programs and authorities in the area of education to further the purposes of the title; and

"(4) encourage the maximum participation of Native Hawaiians in planning and management of Native Hawaiian Education Programs.

"SEC. 9204. NATIVE HAWAIIAN EDUCATION COUNCIL AND ISLAND COUNCILS.

"(a) ESTABLISHMENT OF NATIVE HAWAIIAN EDUCATION COUNCIL.—In order to better effectuate the purposes of this part through the coordination of educational and related services and programs available to Native Hawaiians, including those programs receiving funding under this part, the Secretary is authorized to establish a Native Hawaiian Education Council (hereafter in this part referred to as the 'Education Council').

"(b) COMPOSITION OF EDUCATION COUNCIL.—The Education Council shall consist of not more than 25 members, including a representative of—

"(1) each recipient of funds from the Secretary under this part;

"(2) the State of Hawai'i Department of Education;

"(3) the State of Hawai'i Office of Hawaiian Affairs;

"(4) Native Hawaiian educational organizations, such as Alu Like, Inc., Kamehameha Schools Bishop Estate, Hawaiian Language Immersion Advisory Council, Aha Punana Leo, and the Queen Lili'uokalani Trust and Children's Center; and

"(5) each Native Hawaiian education island council established under subsection (f).

"(c) CONDITIONS AND TERMS.—At least three-fourths of the members of the Education Council shall be Native Hawaiians. Members of the Education Council shall be appointed for three-year terms.

"(d) ADMINISTRATIVE GRANT FOR THE EDUCATION COUNCIL.—The Secretary shall make a direct grant to the Education Council in order to enable the Education Council to—

"(1) coordinate the educational and related services and programs available to Native Hawaiians, including the programs assisted under this part, and assess the extent to which such services and programs meet the needs of Native Hawaiians; and

"(2) provide direction and guidance, through the issuance of reports and recommendations, to appropriate Federal, State, and local agencies in order to focus and improve the use of resources, including resources made available under this part, on Native Hawaiian education.

"(e) ADDITIONAL DUTIES OF THE EDUCATION COUNCIL.—

"(1) IN GENERAL.—The Education Council shall provide copies of any reports and recommendations issued by the Education Council to the Secretary, the Committee on Indian Affairs of the Senate, and the Committee on Education and Labor of the House of Representatives, including any information that

the Education Council provides to the Secretary pursuant to subsection (i).

"(2) Annual report.—The Education Council shall present to the Secretary an annual report on the Education Council's activities.

"(3) Island council support and assistance.—The Education Council shall provide such administrative support and financial assistance to the island councils established pursuant to subsection (f) as the Secretary deems appropriate.

"(f) Establishment of Island Councils.—

"(1) In general.—In order to better effectuate the purposes of this part and to ensure the adequate representation of island and community interests within the Education Council, the Office of Hawaiian Affairs of the State of Hawai'i is authorized to facilitate the establishment of Native Hawaiian education island councils (hereafter in this part referred to as 'island councils') for the following islands:

"(A) Hawai'i.
"(B) Maui and Lana'i.
"(C) Moloka'i.
"(D) Kaua'i and Ni'ihau.
"(E) O'ahu.

"(2) Composition of island councils.—Each island council shall consist of parents, students, and other community members who have an interest in the education of Native Hawaiians, and shall be representative of the educational needs of all age groups, from preschool through adulthood. At least three-fourths of the members of each island council shall be Native Hawaiians

"(g) Administrative Provisions Relating to Education Council and Island Councils.—The Education Council and each island council shall meet at the call of the chairperson of the respective council, or upon the request of the majority of the members of the respective council, but in any event not less than four times during each calendar year. The provisions of the Federal Advisory Committee Act shall not apply to the Education Council and each island council.

"(h) Compensation.—Members of the Education Council and each island council shall not receive any compensation for services on the Education Council and each island council, respectively.

"(i) Report.—Not later than four years after the date of the enactment of the Improving America's Schools Act of 1994, the Secretary shall prepare and submit to the Committee on Indian Affairs of the Senate, and the Committee on Education and Labor of the House of Representatives, a report which summarizes the annual reports of the Education Council, describes the allocation and utilization of funds under this part, and contains recommendations for changes in Federal, State, and local policy to advance the purposes of this part.

"(j) Authorization of Appropriations.—There are authorized to be appropriated $500,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this section. Funds appropriated under the authority of this subsection shall remain available until expended.

"SEC. 9205. NATIVE HAWAIIAN FAMILY-BASED EDUCATION CENTERS.

"(a) GENERAL AUTHORITY.—The Secretary is authorized to make direct grants, to Native Hawaiian educational organizations or educational entities with experience in developing or operating Native Hawaiian programs or programs of instruction conducted in the Native Hawaiian language, to expand the operation of Family-Based Education Centers throughout the Hawaiian Islands. The programs of such centers may be conducted in the Hawaiian language, the English language, or a combination thereof, and shall include—

"(1) parent-infant programs for prenatal through three-year-olds;

"(2) preschool programs for four- and five-year-olds;

"(3) continued research and development; and

"(4) a long-term followup and assessment program, which may include educational support services for Native Hawaiian language immersion programs or transition to English speaking programs.

"(b) ADMINISTRATIVE COSTS.—Not more than 7 percent of the funds appropriated to carry out the provisions of this section for any fiscal year may be used for administrative purposes.

"(c) AUTHORIZATION OF APPROPRIATIONS.—In addition to any other amount authorized to be appropriated for the centers described in subsection (a), there are authorized to be appropriated $6,000,000 for fiscal year 1995, and such sums as may be necessary for each of the four succeeding fiscal years, to carry out this section. Funds appropriated under the authority of this subsection shall remain available until expended.

"SEC. 9206. NATIVE HAWAIIAN HIGHER EDUCATION PROGRAM.

"(a) GENERAL AUTHORITY.—

"(1) IN GENERAL.—The Secretary is authorized to make direct grants, to Native Hawaiian educational organizations or educational entities with experience in developing or operating Native Hawaiian programs or programs of instruction conducted in the Native Hawaiian language, to enable such organizations or entities to provide a program of baccalaureate and post-baccalaureate fellowship assistance to Native Hawaiian students.

"(2) ACTIVITIES.—Such program may include—

"(A) full or partial fellowship support for Native Hawaiian students enrolled at two- or four-year degree granting institutions of higher education with awards to be based on academic potential and financial need; and

"(B) full or partial fellowship support for Native Hawaiian students enrolled at post-baccalaureate degree granting institutions of higher education with priority given to providing fellowship support for professions in which Native Hawaiians are underrepresented and with fellowship awards to be based on academic potential and financial need;

"(C) counseling and support services for students receiving fellowship assistance under paragraph (1);

"(D) college preparation and guidance counseling at the secondary school level for students who may be eligible for fellowship support pursuant to subsection (a)(2)(A);

"(E) appropriate research and evaluation of the activities authorized by this section; and

"(F) implementation of faculty development programs for the improvement and matriculation of Native Hawaiian students.

"(b) SPECIAL CONDITIONS REQUIRED.—For the purpose of fellowships awarded under subsection (a), fellowship conditions shall be established whereby fellowship recipients obtain an enforceable contract obligation to provide their professional services, either during the fellowship period or upon completion of a baccalaureate or post-baccalaureate degree program, to the Native Hawaiian community.

"(c) SPECIAL RULE.—No policy shall be made in implementing this section to prevent a Native Hawaiian student enrolled at an accredited two- or four- year degree granting institution of higher education outside of the State of Hawai'i from receiving a fellowship pursuant to subsections (a) and (b) of this section.

"(d) ADMINISTRATIVE COSTS.—Not more than 7 percent of the funds appropriated to carry out the provisions of this section for any fiscal year may be used for administrative purposes.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $2,000,000 for fiscal year 1995, and such sums as may be necessary for each of the four succeeding fiscal years, to carry out this section. Funds appropriated under the authority of this subsection shall remain available until expended.

"SEC. 9207. NATIVE HAWAIIAN GIFTED AND TALENTED PROGRAM.

"(a) GENERAL AUTHORITY.—The Secretary is authorized to make a grant, to a Native Hawaiian educational organization or an educational entity with experience in developing or operating Native Hawaiian programs or programs of instruction conducted in the Native Hawaiian language, for a gifted and talented program designed to—

"(1) address the special needs of Native Hawaiian elementary and secondary school students who are gifted and talented students; and

"(2) provide those support services to the families of such students that are needed to enable such students to benefit from the program.

"(b) USES OF FUNDS.—The program funded under this section may include—

"(1) the identification of the special needs of Native Hawaiian gifted and talented students, particularly with respect to—

"(A) the emotional and psychosocial needs of such students; and

"(B) the provision of those support services to the families of such students that are needed to enable such students to benefit from the program;

"(2) the conduct of educational, psychosocial, and developmental activities which hold reasonable promise of resulting in substantial progress toward meeting the educational needs of such students, including demonstrating and exploring the use

of the Native Hawaiian language and exposure to Native Hawaiian cultural traditions;

"(3) leadership programs designed to—

"(A) replicate programs throughout the State of Hawaii for gifted and talented students who are not served under this section; and

"(B) coordinate with other Native American gifted and talented leadership programs, including the dissemination of information derived from the program conducted under this section; and

"(4) appropriate research, evaluation, and related activities pertaining to—

"(A) the needs of such students; and

"(B) the provision of those support services to the families of such students that are needed to enable such students to benefit from the program.

"(c) INFORMATION PROVISION.—The Secretary is authorized to facilitate the establishment of a national network of Native Hawaiian and American Indian Gifted and Talented Centers, and ensure that the information developed by these centers shall be readily available to the educational community at large.

"(d) ADMINISTRATIVE COSTS.—Not more than 7 percent of the funds appropriated to carry out the provisions of this section for any fiscal year may be used for administrative purposes.

"(e) AUTHORIZATION OF APPROPRIATIONS.—In addition to any other amount authorized to be appropriated for the program described in this section, there are authorized to be appropriated $1,500,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this section. Funds appropriated under the authority of this subsection shall remain available until expended.

"SEC. 9208. NATIVE HAWAIIAN SPECIAL EDUCATION PROGRAM.

"(a) GENERAL AUTHORITY.—The Secretary is authorized to make grants to, or enter into contracts with, Native Hawaiian educational organizations or educational entities with experience in developing or operating Native Hawaiian programs or programs of instruction conducted in the Native Hawaiian language, to operate a program to address the special education needs of Native Hawaiian students. Such program may include—

"(1) the identification of Native Hawaiian students with disabilities or who are otherwise in need of special educational services;

"(2) the identification of the special education needs of such students, particularly with respect to—

"(A) the emotional and psychosocial needs of such students; and

"(B) the provision of those support services to the families of such students that are needed to enable such students to benefit from the program;

"(3) the conduct of educational activities consistent with part B of the Education of Individuals with Disabilities Education Act which hold reasonable promise of resulting in substantial progress toward meeting the educational needs of such students;

"(4) the conduct of educational, psychosocial, and developmental activities which hold reasonable promise of resulting in substantial progress toward meeting the educational needs of such students, including demonstrating and exploring the use of the Native Hawaiian language and exposure to Native Hawaiian cultural traditions; and

"(5) appropriate research, evaluation, and related activities pertaining to—

"(A) the needs of such students;

"(B) the provision of those support services to the families of such students that are needed to enable such student to benefit from the program; and

"(C) the outcomes and benefits of activities assisted under this section upon such students.

"(b) ADMINISTRATIVE COSTS.—Not more than 7 percent of the funds appropriated to carry out the provisions of this section for any fiscal year may be used for administrative purposes.

"(c) AUTHORIZATION OF APPROPRIATIONS.—In addition to any other amount authorized to be appropriated for the program described in this section, there are authorized to be appropriated $2,000,000 for fiscal year 1995, and such sums as may be necessary for each of the four succeeding fiscal years, to carry out this section. Funds appropriated under the authority of this subsection shall remain available until expended.

"SEC. 9209. NATIVE HAWAIIAN CURRICULUM DEVELOPMENT, TEACHER TRAINING AND RECRUITMENT PROGRAM.

"(a) GENERAL AUTHORITY.—The Secretary is authorized to make direct grants, to Native Hawaiian educational organizations or educational entities with experience in developing or operating Native Hawaiian programs or programs of instruction conducted in the Native Hawaiian language, for the following purposes:

"(1) CURRICULA.—The development of curricula to address the needs of Native Hawaiian students, particularly elementary and secondary school students, which may include programs of instruction conducted in the Native Hawaiian language, and mathematics and science curricula incorporating the relevant application of Native Hawaiian culture and traditions.

"(2) PRETEACHER TRAINING.—The development and implementation of preteacher training programs in order to ensure that student teachers within the State of Hawai'i, particularly student teachers who are likely to be employed in schools with a high concentration of Native Hawaiian students, are prepared to better address the unique needs of Native Hawaiian students, within the context of Native Hawaiian culture, language and traditions.

"(3) INSERVICE TEACHER TRAINING.—The development and implementation of inservice teacher training programs, in order to ensure that teachers, particularly teachers employed in schools with a high concentration of Native Hawaiian students, are prepared to better address the unique needs of Native Hawaiian students, within the context of Native Hawaiian culture, language and traditions.

"(4) TEACHER RECRUITMENT.—The development and implementation of teacher recruitment programs to meet the objectives of—

"(A) enhancing teacher recruitment within communities with a high concentration of Native Hawaiian students; and

"(B) increasing the numbers of teachers who are of Native Hawaiian ancestry.

"(b) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to awarding grants for activities described in subsection (a) that—

"(1) focus on the needs of at-risk youth; or

"(2) employ a program of instruction conducted in the Native Hawaiian language, except that entities receiving grants awarded pursuant to subsection (a)(2) shall coordinate in the development of new curricula.

"(c) ADMINISTRATIVE COSTS.—Not more than 7 percent of the funds appropriated to carry out the provisions of this section for any fiscal year may be used for administrative purposes.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $2,000,000 for fiscal year 1995, and such sums as may be necessary for each of the four succeeding fiscal years, to carry out this section. Funds appropriated under the authority of this subsection shall remain available until expended.

"SEC. 9210. NATIVE HAWAIIAN COMMUNITY-BASED EDUCATION LEARNING CENTERS.

"(a) GENERAL AUTHORITY.—The Secretary is authorized to make direct grants, to collaborative efforts between community-based Native Hawaiian organizations and community colleges, to develop, establish, and operate a minimum of three community-based education learning centers.

"(b) PURPOSE.—The learning centers described in subsection (a) shall meet the needs of families and communities through interdepartmental and interagency coordination of new and existing public and private programs and services, which may include—

"(1) preschool programs;

"(2) after-school programs; and

"(3) vocational and adult education programs.

"(c) ADMINISTRATIVE COSTS.—Not more than 7 percent of the funds appropriated to carry out the provisions of this section for any fiscal year may be used for administrative purposes.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $1,000,000 for fiscal year 1995, and such sums as may be necessary for each of the four succeeding fiscal years, to carry out this section. Funds appropriated under the authority of this subsection shall remain available until expended.

"SEC. 9211. ADMINISTRATIVE PROVISIONS.

"(a) APPLICATION REQUIRED.—No grant may be made under this part, nor any contract be entered into under this part, unless an application is submitted to the Secretary in such form, in such manner, and containing such information as the Secretary may determine necessary to carry out the provisions of this title.

"(b) SPECIAL RULE.—Each application submitted under this title shall be accompanied by the comments of each local educational agency serving students who will participate in the project for which assistance is sought.

"SEC. 9212. DEFINITIONS.

"For the purposes of this part—

"(1) The term 'Native Hawaiian' means any individual who is—

"(A) a citizen of the United States; and

"(B) a descendant of the aboriginal people, who prior to 1778, occupied and exercised sovereignty in the area that now comprises the State of Hawai'i, as evidenced by—

"(i) genealogical records;

"(ii) Kūpuna (elders) or Kama'āina (long-term community residents) verification; or

"(iii) certified birth records.

"(2) The term 'Native Hawaiian educational organization' means a private nonprofit organization that—

"(A) serves the interests of Native Hawaiians;

"(B) has Native Hawaiians in substantive and policymaking positions within the organization;

"(C) has a demonstrated expertise in the education of Native Hawaiian youth; and

"(D) has demonstrated expertise in research and program development.

"(3) The term 'Native Hawaiian Organization' means a private nonprofit organization that—

"(A) serves the interests of Native Hawaiians;

"(B) has Native Hawaiians in substantive and policymaking positions within the organizations; and

"(C) is recognized by the Governor of Hawai'i for the purpose of planning, conducting, or administering programs (or portions of programs) for the benefit of Native Hawaiians.

"(4) The term 'Native Hawaiian language' means the single Native American language indigenous to the original inhabitants of the State of Hawai'i.

"(5) The term 'Office of Hawaiian Affairs' means the Office of Hawaiian Affairs established by the Constitution of the State of Hawai'i.

"(6) The term 'Native Hawaiian community-based organization' means any organization which is composed primarily of Native Hawaiians from a specific community and which assists in the social, cultural and educational development of Native Hawaiians in that community.

"PART C—ALASKA NATIVE EDUCATION

"SEC. 9301. SHORT TITLE.

"This part may be cited as the 'Alaska Native Educational Equity, Support and Assistance Act'.

"SEC. 9502. FINDINGS.

"The Congress finds and declares:

"(1) The attainment of educational success is critical to the betterment of the conditions, long term well being and preservation of the culture of Alaska Natives.

"(2) It is the policy of the Federal Government to encourage the maximum participation by Alaska Natives in the planning and the management of Alaska Native education programs.

"(3) Alaska Native children enter and exit school with serious educational handicaps.

"(4) The educational achievement of Alaska Native children is far below national norms. In addition to low Native performance on standardized tests, Native student drop out rates are high, and Natives are significantly underrepresented among holders of baccalaureate degrees in the State of Alaska. As a result Native students are being denied their opportunity to become full participants in society by grade school and high school educations that are condemning an entire generation to an underclass status and a life of limited choices.

"(5) The programs authorized herein, combined with expanded Head Start, infant learning and early childhood education programs, and parent education programs are essential if educational handicaps are to be overcome.

"(6) The sheer magnitude of the geographic barriers to be overcome in delivering educational services in rural and village Alaska should be addressed through the development and implementation of innovative, model programs in a variety of areas.

"(7) Congress finds that Native children should be afforded the opportunity to begin their formal education on a par with their non-Native peers. The Federal Government should lend support to efforts developed by and undertaken within the Alaska Native community to improve educational opportunity for all students.

"SEC. 9303. PURPOSE.

"It is the purpose of this part to—

"(1) recognize the unique educational needs of Alaska Natives;

"(2) authorize the development of supplemental educational programs to benefit Alaska Natives;

"(3) supplement existing programs and authorities in the area of education to further the purposes of this part; and

"(4) provide direction and guidance to appropriate Federal, State and local agencies to focus resources, including resources made available under this part, on meeting the educational needs of Alaska Natives.

"SEC. 9304. ALASKA NATIVE EDUCATIONAL PLANNING, CURRICULUM DEVELOPMENT, TEACHER TRAINING AND RECRUITMENT PROGRAM.

"(a) GENERAL AUTHORITY.—The Secretary shall make direct grants to Alaska Native organizations or educational entities with experience in developing or operating Alaska Native programs or programs of instruction conducted in Alaska Native languages, or to partnerships involving Alaska Native organizations, for the following purposes:

"(1) EDUCATIONAL PLANNING.—The consolidation of existing educational plans, recommendations and research into implementation methods and strategies to improve schooling for Alaska Natives.

"(2) IMPLEMENTATION OF EDUCATIONAL PLANS.—The adoption and implementation of specific educational plans developed under subsection (1) above.

"(3) CURRICULA.—The development of curricula to address the needs of Alaska Native students, particularly elementary and secondary school students, which may include innovative programs and pilot and demonstration programs to develop and introduce curriculum materials that reflect cultural diversities or the contributions of Alaska Native people, programs of instruction conducted in Native languages, and the development of networks to introduce successful techniques, programs and curriculum materials to rural and urban schools, including:

"(A) multimedia social studies curricula which fully and accurately portray the role of Native Americans historically and contemporarily; and

"(B) curricula and teaching materials for instructions in Native languages.

"(4) PRETEACHER TRAINING.—The development and implementation of preteacher training program in order to ensure that student teachers within the State of Alaska, particularly student teachers who are likely to be employed in schools with a high concentration of Alaska Native students, are prepared to better address the cultural diversity and unique needs of Alaska Native students;

"(5) TEACHER RECRUITMENT.—The development and implementation of teacher recruitment programs to meet the objectives of—

"(A) increasing the numbers of teachers who are Alaska Natives;

"(B) enhancing teacher recruitment within communities with a high concentration of Alaska Native students; and

"(C) improving the teacher selection processes in order to recruit teachers who are more positively responsive to rural conditions and who are suited for effective cross-cultural instruction.

"(6) INSERVICE TEACHER TRAINING.—The development and implementation of inservice teacher training programs in order to ensure that teachers are prepared to better address the unique needs of Alaska Native students.

"(b) ADMINISTRATIVE COSTS.—Not more than 10 percent of the funds appropriated to carry out the provisions of this section for any fiscal year may be used for administrative purposes.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $5,000,000 for fiscal year 1995, and such sums as may be necessary for each of the four succeeding fiscal years, to carry out this section. Funds appropriated under the authority of this subsection shall remain available until expended.

“SEC. 9305. ALASKA NATIVE HOME BASED EDUCATION FOR PRESCHOOL CHILDREN.

“(a) General Authority.—The Secretary shall make direct grants to Alaska Native organizations or educational entities with experience in developing or operating Alaska Native programs, or to partnerships involving Alaska Native organizations, to implement home instruction programs for Alaska Native preschool youngsters. The objective of such programs shall be to develop parents as educators for their children and to assure the active involvement of parents in the education of their children from the earliest ages.

“(b) Program Elements.—Home based education programs for Alaska Native children shall include—

“(1) parent-infant programs for prenatal through three-year olds;

“(2) preschool programs for four- and five-year olds;

“(3) training, education and support programs to teach parents skills in observation, reading readiness, story telling and critical thinking;

“(4) continued research and development; and

“(5) a long term followup and assessment program.

“(c) Eligibility of HIPPY Programs.—Programs based on the HIPPY (Home Instruction Program for Preschool Youngsters) model shall be eligible for funding under this section.

“(d) Administrative Costs.—Not more than 10 percent of the funds appropriated to carry out the provisions of this section for any fiscal year may be used for administrative purposes.

“(e) Authorization of Appropriations.—There is authorized to be appropriated $2,000,000 for fiscal year 1995, and such sums as may be necessary for each of the four succeeding fiscal years, to carry out this section. Funds appropriated under the authority of this subsection shall remain available until expended.

“SEC. 9306. ALASKA NATIVE STUDENT ENRICHMENT PROGRAMS.

“(a) General Authority.—The Secretary shall make a grant or grants to Alaska Native educational organizations or educational entities with experience in developing or operating Alaska Native programs, or to partnerships including Alaska Native organizations, for enrichment programs for Alaska Native students in the areas of science and mathematics education. The programs shall be designed to—

“(1) prepare qualified students from rural areas who are preparing to enter village high schools to excel in science and mathematics; and

“(2) provide those support services to the families of such students that are needed to enable such students to benefit from the program.

“(b) Uses of Funds.—The program funded under this section may include—

“(1) the identification of the students eligible to participate in the program;

“(2) the conduct of educational, psychosocial, and developmental activities which hold reasonable promise of resulting in substantial enrichment of the educational performance of the participating students;

"(3) leadership programs designed to provide for the replication of the program in other subject matter areas and the dissemination of information derived from the program; and

"(4) appropriate research, evaluation and related activities pertaining to the benefits of such enrichment programs.

"(c) ADMINISTRATIVE COSTS.—Not more than 10 percent of the funds appropriated to carry out the provisions of this section for any fiscal year may be used for administrative purposes.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $1,000,000 for fiscal year 1995, and such sums as may be necessary for each of the four succeeding fiscal years, to carry out this section. Funds appropriated under the authority of this subsection shall remain available until expended.

"SEC. 9307. ADMINISTRATIVE PROVISIONS.

"(a) APPLICATION REQUIRED.—No grant may be made under this part, nor any contract be entered into under this part, unless an application is submitted to the Secretary in such form, in such manner, and containing such information as the Secretary may determine necessary to carry out the provisions of this part.

"(b) APPLICATIONS BY LOCAL SCHOOL DISTRICTS OR STATE EDUCATIONAL ENTITIES.—Local school districts or State educational entities shall apply for funding under this Part in partnership with Alaska Native organizations.

"(c) CONSULTATION REQUIRED.—Each applicant for funding shall provide for ongoing advice from and consultation with representatives of the Alaska Native community.

"(d) LOCAL EDUCATIONAL AGENCY COORDINATION.—Each local educational agency serving students who will participate in the program for which assistance is sought shall be informed regarding each application submitted under this part, except that approval by or concurrence from such local educational agency shall not be required.

"(e) IMPLEMENTATION OF AUTHORITIES.—The Secretary shall expeditiously obligate funds appropriated as provided in this part.

"SEC. 9308. DEFINITIONS.

"For purposes of this part—

"(1) the term 'Alaska Native' has the same meaning as the term 'Native' has in section 3(b) of the Alaska Native Claims Settlement Act.

"(2) the term 'Alaska Native organization' means a federally recognized tribe, consortium of tribes, regional nonprofit Native association, and other Alaska Native organizations that:

"(A) has or commits to acquire expertise in the education of Alaska Natives; and

"(B) has Alaska Natives in substantive and policy-making positions within the organization.

"TITLE X—PROGRAMS OF NATIONAL SIGNIFICANCE

"PART A—FUND FOR THE IMPROVEMENT OF EDUCATION

"SEC. 10101. FUND FOR THE IMPROVEMENT OF EDUCATION.

"(a) FUND AUTHORIZED.—From funds appropriated under subsection (d), the Secretary is authorized to support nationally significant programs and projects to improve the quality of education, assist all students to meet challenging State content standards and challenging State student performance standards, and contribute to achievement of the National Education Goals. The Secretary is authorized to carry out such programs and projects directly or through grants to, or contracts with, State and local educational agencies, institutions of higher education, and other public and private agencies, organizations, and institutions.

"(b) USES OF FUNDS.—

"(1) IN GENERAL.—Funds under this section may be used for—

"(A) activities that will promote systemic education reform at the State and local levels, such as—

"(i) research and development related to challenging State content and challenging State student performance standards and opportunity-to-learn standards or strategies for student learning;

"(ii) the development and evaluation of model strategies for—

"(I) assessment of student learning;

"(II) professional development for teachers and administrators;

"(III) parent and community involvement; and

"(IV) other aspects of systemic reform;

"(iii) developing and evaluating strategies for eliminating ability-grouping practices, and developing policies and programs that place all students on a college-preparatory path of study, particularly in academic fields such as mathematics, science, English, and social studies, including comprehensive inservice programs for teachers and pupil services personnel and academic enrichment programs that supplement regular courses for students;

"(iv) developing and evaluating programs that directly involve parents and family members in the academic progress of their children;

"(v) developing and evaluating strategies for integrating instruction and assessment such that teachers and administrators can focus on what students should know and be able to do at particular grade levels, which instruction shall promote the synthesis of knowledge, encourage the development of problem-solving

skills drawing on a vast range of disciplines, and promote the development of higher order thinking by all students; and

"(vi) developing and evaluating strategies for supporting professional development for teachers across all disciplines and for pupil services personnel, guidance counselors, and administrators, including inservice training that improves the skills of pupil services personnel, counselors and administrators for working with students from diverse populations;

"(B) demonstrations at the State and local levels that are designed to yield nationally significant results, including approaches to public school choice and school-based decisionmaking;

"(C) joint activities with other agencies to assist the effort to achieve the National Education Goals, including activities related to improving the transition from preschool to school and from school to work, as well as activities related to the integration of education and health and social services;

"(D) activities to promote and evaluate counseling and mentoring for students, including intergenerational mentoring;

"(E) activities to promote and evaluate coordinated pupil services programs;

"(F) activities to promote comprehensive health education;

"(G) activities to promote environmental education;

"(H) activities to promote consumer, economic, and personal finance education, such as saving, investing, and entrepreneurial education;

"(I) activities to promote programs to assist students to demonstrate competence in foreign languages;

"(J) studies and evaluation of various education reform strategies and innovations being pursued by the Federal Government, States, and local educational agencies;

"(K) activities to promote metric education;

"(L) the identification and recognition of exemplary schools and programs, such as Blue Ribbon Schools;

"(M) programs designed to promote gender equity in education by evaluating and eliminating gender bias in instruction and educational materials, identifying, and analyzing gender inequities in educational practices, and implementing and evaluating educational policies and practices designed to achieve gender equity;

"(N) programs designed to reduce excessive student mobility, retain students who move within a school district at the same school, educate parents about the effect of mobility on a child's education and encourage parents to participate in school activities;

"(O) experiential-based learning, such as service-learning;

"(P) the development and expansion of public-private partnership programs which extend the learning experience,

via computers, beyond the classroom environment into student homes through such programs as the Buddy System Computer Project;

"(Q) other programs and projects that meet the purposes of this section;

"(R) activities to promote child abuse education and prevention programs;

"(S) activities to raise standards and expectations for academic achievement among all students, especially disadvantaged students traditionally underserved in schools;

"(T) activities to provide the academic support, enrichment and motivation to enable all students to reach such standards;

"(U) demonstrations relating to the planning and evaluations of the effectiveness of projects under which local educational agencies or schools contract with private management organizations to reform a school or schools;

"(V) demonstrations that are designed to test whether prenatal and counseling provided to pregnant students may have a positive effect on pregnancy outcomes, with such education and counseling emphasizing the importance of prenatal care, the value of sound diet and nutrition habits, and the harmful effects of smoking, alcohol, and substance abuse on fetal development;

"(W) programs under section 10102;

"(X) programs under section 10103;

"(Y) programs under section 10104; and

"(Z) programs under section 10105;

"(2) ADDITIONAL USES.—The Secretary may also use funds under this section to complete the project periods for direct grants or contracts awarded under the provisions of this Act, the Fund for the Improvement and Reform of Schools and Teaching Act, or title III of the Education for Economic Security Act, as such Acts were in effect on the day preceding the date of the enactment of the Improving America's Schools Act of 1994.

"(3) SPECIAL RULE.—The Secretary shall not make available more than $1,000,000 to carry out paragraph (1)(R), nor more than $1,000,000 to carry out paragraph (1)(V) during the period beginning on October 1, 1994, through September 30, 1999.

"(c) AWARDS.—

"(1) IN GENERAL.—The Secretary may—

"(A) make awards under this section on the basis of competitions announced by the Secretary; and

"(B) support meritorious unsolicited proposals.

"(2) SPECIAL RULE.—The Secretary shall ensure that programs, projects, and activities supported under this section are designed so that the effectiveness of such programs, projects, and activities is readily ascertainable.

"(3) PEER REVIEW.—The Secretary shall use a peer review process in reviewing applications for assistance under this section and may use funds appropriated under subsection (d) for the cost of such peer review.

"(d) AUTHORIZATION.—For the purpose of carrying out this section, there are authorized to be appropriated $50,000,000 for fiscal year 1995 and such sums as may be necessary for each of the four succeeding fiscal years.

"SEC. 10102. ELEMENTARY SCHOOL COUNSELING DEMONSTRATION.

"(a) COUNSELING DEMONSTRATION.—

"(1) In General.—The Secretary may award grants under this section to establish or expand elementary school counseling programs.

"(2) PRIORITY.—In awarding grants under this section, the Secretary shall give special consideration to applications describing programs that—

"(A) demonstrate the greatest need for new or additional counseling services among the children in the elementary schools served by the applicant;

"(B) propose the most promising and innovative approaches for initiating or expanding elementary school counseling; and

"(C) show the greatest potential for replication and dissemination.

"(3) EQUITABLE DISTRIBUTION.—In awarding grants under this section, the Secretary shall ensure an equitable geographic distribution among the regions of the United States and among urban, suburban, and rural areas.

"(4) DURATION.—A grant under this section shall be awarded for a period not to exceed three years.

"(5) MAXIMUM GRANT.—A grant under this section shall not exceed $400,000 for any fiscal year.

"(b) APPLICATIONS.—

"(1) IN GENERAL.—Each local educational agency desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"(2) CONTENTS.—Each application for a grant under this section shall—

"(A) describe the elementary school population to be targeted by the program, the particular personal, social, emotional, educational, and career development needs of such population, and the current school counseling resources available for meeting such needs;

"(B) describe the activities, services, and training to be provided by the program and the specific approaches to be used to meet the needs described in subparagraph (A);

"(C) describe the methods to be used to evaluate the outcomes and effectiveness of the program;

"(D) describe the collaborative efforts to be undertaken with institutions of higher education, businesses, labor organizations, community groups, social service agencies, and other public or private entities to enhance the program and promote school-linked services integration;

"(E) describe collaborative efforts with institutions of higher education which specifically seek to enhance or improve graduate programs specializing in the preparation of

elementary school counselors, school psychologists, and school social workers;

"(F) document that the applicant has the personnel qualified to develop, implement, and administer the program;

"(G) describe how any diverse cultural populations, if applicable, would be served through the program;

"(H) assure that the funds made available under this part for any fiscal year will be used to supplement and, to the extent practicable, increase the level of funds that would otherwise be available from non-Federal sources for the program described in the application, and in no case supplant such funds from non-Federal sources; and

"(I) assure that the applicant will appoint an advisory board composed of parents, school counselors, school psychologists, school social workers, other pupil services personnel, teachers, school administrators, and community leaders to advise the local educational agency on the design and implementation of the program.

"(c) USE OF FUNDS.—

"(1) IN GENERAL.—Grant funds under this section shall be used to initiate or expand elementary school counseling programs that comply with the requirements in paragraph (2).

"(2) PROGRAM REQUIREMENTS.—Each program assisted under this section shall—

"(A) be comprehensive in addressing the personal, social, emotional, and educational needs of all students;

"(B) use a developmental, preventive approach to counseling;

"(C) increase the range, availability, quantity, and quality of counseling services in the elementary schools of the local educational agency;

"(D) expand counseling services only through qualified school counselors, school psychologists, and school social workers;

"(E) use innovative approaches to increase children's understanding of peer and family relationships, work and self, decisionmaking, academic and career planning, or to improve social functioning;

"(F) provide counseling services that are well-balanced among classroom group and small group counseling, individual counseling, and consultation with parents, teachers, administrators, and other pupil services personnel;

"(G) include inservice training for school counselors, school social workers, school psychologists, other pupil services personnel, teachers, and instructional staff;

"(H) involve parents of participating students in the design, implementation, and evaluation of a counseling program;

"(I) involve collaborative efforts with institutions of higher education, businesses, labor organizations, community groups, social service agencies, or other public or private entities to enhance the program and promote school-linked services integration; and

"(J) evaluate annually the effectiveness and outcomes of the counseling services and activities assisted under this section.

"(3) REPORT.—The Secretary shall issue a report evaluating the programs assisted pursuant to each grant under this subsection at the end of each grant period in accordance with section 14701, but in no case later than January 30, 1998.

"(4) DISSEMINATION.—The Secretary shall make the programs assisted under this section available for dissemination, either through the National Diffusion Network or other appropriate means.

"(5) LIMIT ON ADMINISTRATION.—Not more than five percent of the amounts made available under this section in any fiscal year shall be used for administrative costs to carry out this section.

"(d) DEFINITIONS.—For purposes of this section—

"(1) the term 'school counselor' means an individual who has documented competence in counseling children and adolescents in a school setting and who—

"(A) possesses State licensure or certification granted by an independent professional regulatory authority;

"(B) in the absence of such State licensure or certification, possesses national certification in school counseling or a specialty of counseling granted by an independent professional organization; or

"(C) holds a minimum of a master's degree in school counseling from a program accredited by the Council for Accreditation of Counseling and Related Educational Programs or the equivalent;

"(2) the term 'school psychologist' means an individual who—

"(A) possesses a minimum of 60 graduate semester hours in school psychology from an institution of higher education and has completed 1,200 clock hours in a supervised school psychology internship, of which 600 hours shall be in the school setting;

"(B) possess State licensure or certification in the State in which the individual works; or

"(C) in the absence of such State licensure or certification, possess national certification by the National School Psychology Certification Board;

"(3) the term 'school social worker' means an individual who holds a master's degree in social work and is licensed or certified by the State in which services are provided or holds a school social work specialist credential; and

"(4) the term 'supervisor' means an individual who has the equivalent number of years of professional experience in such individual's respective discipline as is required of teaching experience for the supervisor or administrative credential in the State of such individual.

"SEC. 10103. PARTNERSHIPS IN CHARACTER EDUCATION PILOT PROJECT.

"(a) PROGRAM AUTHORIZED.—

"(1) IN GENERAL.—The Secretary is authorized to make up to a total of ten grants annually to partnerships of State educational agencies and local educational agencies for the design and implementation of character education programs that incorporate the elements of character listed in subsection (d), as well as other character elements identified by applicants.

"(2) MAXIMUM AMOUNT OF GRANT.—No State educational agency shall receive more than a total of $1,000,000 in grants under this part.

"(3) DURATION.—Each grant under this section shall be awarded for a period not to exceed five years, of which the State educational agency shall not use more than one year for planning and program design.

"(b) STATE EDUCATIONAL AGENCY APPLICATIONS.—

"(1) REQUIREMENT.—Each State educational agency desiring a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

"(2) PARTNERSHIPS.—Each State educational agency desiring a grant under this section shall form a partnership with at least one local educational agency to be eligible for funding. The partnership shall pursue State and local initiatives to meet the objectives of this section.

"(3) APPLICATION.—Each application under this section shall include—

"(A) a list of the local educational agencies entering into the partnership with the State educational agency;

"(B) a description of the goals of the partnership;

"(C) a description of activities that will be pursued by the participating local educational agencies, including—

"(i) how parents, students, and other members of the community, including members of private and nonprofit organizations, will be involved in the design and implementation of the program;

"(ii) curriculum and instructional practices;

"(iii) methods of teacher training and parent education that will be used or developed; and

"(iv) examples of activities that will be carried out under this part;

"(D) a description of how the State educational agency will provide technical and professional assistance to its local educational agency partners in the development and implementation of character education programs;

"(E) a description of how the State educational agency will evaluate the success of local programs and how local educational agencies will evaluate the progress of their own programs;

"(F) a description of how the State educational agency will assist other interested local educational agencies that are not members of the original partnership in designing and establishing programs;

"(G) a description of how the State educational agency will establish a clearinghouse for information on model

programs, materials, and other information the State and local educational agencies determine to be appropriate;

"(H) an assurance that the State educational agency will annually provide to the Secretary such information as may be required to determine the effectiveness of the program; and

"(I) any other information that the Secretary may require.

"(4) NON-PARTNER LOCAL EDUCATIONAL AGENCIES.—Any local educational agency that was not a partner with the State when the application was submitted may become a partner by submitting an application for partnership to the State educational agency, containing such information that the State educational agency may require.

"(c) EVALUATION AND PROGRAM DEVELOPMENT.—

"(1) REQUIREMENT.—Each State educational agency receiving a grant under this section shall submit to the Secretary a comprehensive evaluation of the program assisted under this part, including the impact on students, teachers, administrators, parents, and others—

"(A) by the mid-term of the program; and

"(B) not later than one year after completion of such program.

"(2) CONTRACTS FOR EVALUATION.—Each State educational agency receiving a grant under this section may contract with outside sources, including institutions of higher education, and private and nonprofit organizations, for purposes of evaluating their program and measuring the success of the program toward fostering in students the elements of character listed in subsection (b).

"(3) FACTORS.—Factors which may be considered in evaluating the success of the program may include—

"(A) discipline problems;

"(B) students' grades;

"(C) participation in extracurricular activities;

"(D) parental and community involvement;

"(E) faculty and administration involvement; and

"(F) student and staff morale.

"(4) MATERIALS AND PROGRAM DEVELOPMENT.—Local educational agencies, after consulting with the State educational agency, may contract with outside sources, including institutions of higher education, and private and nonprofit organizations, for assistance in developing curriculum, materials, teacher training, and other activities related to character education.

"(d) ELEMENTS OF CHARACTER.—

"(1) IN GENERAL.—Applicants desiring funding under this part shall develop character education programs that incorporate the following elements of character:

"(A) Caring.

"(B) Civic virtue and citizenship.

"(C) Justice and fairness.

"(D) Respect.

"(E) Responsibility.

"(F) Trustworthiness.

"(G) Any other elements deemed appropriate by the members of the partnership.

"(2) ADDITIONAL ELEMENTS OF CHARACTER.—A local educational agency participating under this section may, after consultation with schools and communities of such agency, define additional elements of character that the agency determines to be important to the schools and communities of such agency.

"(e) USE OF FUNDS.—Of the total funds received by a State educational agency in any fiscal year under this section—

"(1) not more than 30 percent of such funds may be retained by the State educational agency, of which—

"(A) not more than 10 percent of such funds may be used for administrative purposes; and

"(B) the remainder of such funds may be used for—

"(i) collaborative initiatives with local educational agencies;

"(ii) the establishment of the clearinghouse, preparation of materials, teacher training; and

"(iii) other appropriate activities; and

"(2) the remaining of such funds shall be used to award subgrants to local educational agencies, of which—

"(A) not more than 10 percent of such funds may be retained for administrative purposes; and

"(B) the remainder of such funds may be used to—

"(i) award subgrants to schools within the local educational agency; and

"(ii) pursue collaborative efforts with the State educational agency.

"(f) SELECTION OF GRANTEES.—

"(1) CRITERIA.—The Secretary shall select, through peer review, partnerships to receive grants under this section on the basis of the quality of the applications submitted under subsection (b), taking into consideration such factors as—

"(A) the quality of the activities proposed by local educational agencies;

"(B) the extent to which the program fosters in students the elements of character;

"(C) the extent of parental, student, and community involvement;

"(D) the number of local educational agencies involved in the effort;

"(E) the quality of the plan for measuring and assessing success; and

"(F) the likelihood that the goals of the program will be realistically achieved.

"(2) DIVERSITY OF PROJECTS.—The Secretary shall approve applications under this section in a manner that ensures, to the extent practicable, that programs assisted under this section—

"(A) serve different areas of the Nation, including urban, suburban, and rural areas; and

"(B) serve schools that serve minorities, Native Americans, students of limited-English proficiency, and disadvantaged students.

"SEC. 10104. PROMOTING SCHOLAR-ATHLETE COMPETITIONS.

"(a) IN GENERAL.—The Secretary is authorized to award a grant to a nonprofit organization to reimburse such organizations for the costs of conducting scholar-athlete games to be held in 1995.

"(b) PRIORITY.—In awarding the grant under subsection (a), the Secretary shall give priority to a nonprofit organization that—

"(1) is described in section 501(c)(3) of, and exempt from taxation under section 501(a) of, the Internal Revenue Code of 1986, and is affiliated with a university capable of hosting a large educational, cultural, and athletic event that will serve as a national model;

"(2) has the capability and experience in administering federally funded scholar-athlete games;

"(3) has the ability to provide matching funds, on a dollar-for-dollar basis, from foundations and the private sector for the purpose of conducting a scholar-athlete program;

"(4) has the organizational structure and capability to administer a model scholar-athlete program in the summer of 1995;

"(5) has the organizational structure and expertise to replicate the scholar-athlete program in various venues throughout the United States in 1996 and thereafter, as well as replicate such program internationally; and

"(6) has plans for conducting scholar-athlete games after 1995 without Federal assistance.

"SEC. 10105. SMALLER LEARNING COMMUNITIES.

"(a) IN GENERAL.—Each local educational agency desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each such application shall describe—

"(1) strategies and methods the applicant will use to create the smaller learning community or communities;

"(2) curriculum and instructional practices, including any particular themes or emphases, to be used in the learning environment;

"(3) the extent of involvement of teachers and other school personnel in investigating, designing, implementing and sustaining the smaller learning community or communities;

"(4) the process to be used for involving students, parents and other stakeholders in the development and implementation of the smaller learning community or communities;

"(5) any cooperation or collaboration among community agencies, organizations, businesses, and others to develop or implement a plan to create the smaller learning community or communities;

"(6) the training and professional development activities that will be offered to teachers and others involved in the activities assisted under this part;

"(7) the goals and objectives of the activities assisted under this part, including a description of how such activities will better enable all students to reach challenging State content standards and State student performance standards;

"(8) the methods by which the applicant will assess progress in meeting such goals and objectives;

"(9) if the smaller learning community or communities exist as a school-within-a-school, the relationship, including governance and administration, of the smaller learning community to the rest of the school;

"(10) a description of the administrative and managerial relationship between the local educational agency and the smaller learning community or communities, including how such agency will demonstrate a commitment to the continuity of the smaller learning community or communities, including the continuity of student and teacher assignment to a particular learning community;

"(11) how the applicant will coordinate or use funds provided under this part with other funds provided under this Act or other Federal laws;

"(12) grade levels or ages of students who will participate in the smaller learning community or communities; and

"(13) the method of placing students in the smaller learning community or communities, such that students are not placed according to ability, performance or any other measure, so that students are placed at random or by their own choice, not pursuant to testing or other judgments.

"(b) Authorized Activities.—Funds under this section may be used—

"(1) to study the feasibility of creating the smaller learning community or communities as well as effective and innovative organizational and instructional strategies that will be used in the smaller learning community or communities;

"(2) to research, develop and implement strategies for creating the smaller learning community or communities, as well as effective and innovative changes in curriculum and instruction, geared to high State content standards and State student performance standards;

"(3) to provide professional development for school staff in innovative teaching methods that challenge and engage students to be used in the smaller learning community or communities; and

"(4) to develop and implement strategies to include parents, business representatives, local institutions of higher education, community-based organizations, and other community members in the smaller learning communities, as facilitators of activities that enable teachers to participate in professional development activities, as well as to provide links between students and their community.

"SEC. 10106. NATIONAL STUDENT AND PARENT MOCK ELECTION.

"(a) In General.—The Secretary is authorized to award grants to national nonprofit, nonpartisan organizations that work to promote voter participation in American elections to enable such organizations to carry out voter education activities for students and their parents. Such activities shall—

"(1) be limited to simulated national elections that permit participation by students and parents from all 50 States in the United States; and

"(2) consist of—

"(A) school forums and local cable call-in shows on the national issues to be voted upon in an 'issue forum';

"(B) speeches and debates before students and parents by local candidates or stand-ins for such candidates;

"(C) quiz team competitions, mock press conferences and speechwriting competitions;

"(D) weekly meetings to follow the course of the campaign; or

"(E) school and neighborhood campaigns to increase voter turnout, including newsletters, posters, telephone chains, and transportation.

"(b) REQUIREMENT.—Each organization receiving a grant under this section shall present awards to outstanding student and parent mock election projects.

"SEC. 10107. MODEL PROJECTS.

"(a) PROGRAM AUTHORIZED.—The Secretary is authorized to award grants to cultural institutions to enable such institutions to develop and expand model projects of outreach activities for at-risk children in the communities served by such institutions, including activities which integrate such institution's cultural programming with other disciplines, including environmental, mathematics, and science programs.

"(b) PRIORITY.—In awarding grants under this section the Secretary shall give priority to activities that are part of an overall State, local, and private commitment, seek to improve learning for at-risk youth, and are substantially funded by State, local, or private funds.

"PART B—GIFTED AND TALENTED CHILDREN

"SEC. 10201. SHORT TITLE.

"This part may be cited as the 'Jacob K. Javits Gifted and Talented Students Education Act of 1994'.

"SEC. 10202. FINDINGS AND PURPOSES.

"(a) FINDINGS.—The Congress finds and declares that—

"(1) all students can learn to high standards and must develop their talents and realize their potential if the United States is to prosper;

"(2) gifted and talented students are a national resource vital to the future of the Nation and its security and well-being;

"(3) too often schools fail to challenge students to do their best work, and students who are not challenged will not learn to challenging State content standards and challenging State student performance standards, fully develop their talents, and realize their potential;

"(4) unless the special abilities of gifted and talented students are recognized and developed during such students' elementary and secondary school years, much of such students' special potential for contributing to the national interest is likely to be lost;

"(5) gifted and talented students from economically disadvantaged families and areas, and students of limited-English

proficiency are at greatest risk of being unrecognized and of not being provided adequate or appropriate educational services;

"(6) State and local educational agencies and private nonprofit schools often lack the necessary specialized resources to plan and implement effective programs for the early identification of gifted and talented students and for the provision of educational services and programs appropriate to their special needs;

"(7) the Federal Government can best carry out the limited but essential role of stimulating research and development and personnel training and providing a national focal point of information and technical assistance that is necessary to ensure that the Nation's schools are able to meet the special educational needs of gifted and talented students, and thereby serve a profound national interest; and

"(8) the experience and knowledge gained in developing and implementing programs for gifted and talented students can and should be used as a basis to—

"(A) develop a rich and challenging curriculum for all students; and

"(B) provide all students with important and challenging subject matter to study and encourage the habits of hard work.

"(b) STATEMENT OF PURPOSE.—It is the purpose of this part—

"(1) to provide financial assistance to State and local educational agencies, institutions of higher education, and other public and private agencies and organizations, to initiate a coordinated program of research, demonstration projects, personnel training, and similar activities designed to build a nationwide capability in elementary and secondary schools to meet the special educational needs of gifted and talented students;

"(2) to encourage the development of rich and challenging curricula for all students through the appropriate application and adaptation of materials and instructional methods developed under this part; and

"(3) to supplement and make more effective the expenditure of State and local funds, for the education of gifted and talented students.

"SEC. 10203. CONSTRUCTION.

"Nothing in this part shall be construed to prohibit a recipient of funds under this part from serving gifted and talented students simultaneously with students with similar educational needs, in the same educational settings where appropriate.

"SEC. 10204. AUTHORIZED PROGRAMS.

"(a) ESTABLISHMENT OF PROGRAM.—

"(1) IN GENERAL.—From the sums appropriated under section 10207 in any fiscal year the Secretary (after consultation with experts in the field of the education of gifted and talented students) shall make grants to or enter into contracts with State educational agencies, local educational agencies, institutions of higher education, or other public agencies and private agencies

and organizations (including Indian tribes and Indian organizations (as such terms are defined by the Indian Self-Determination and Education Assistance Act) and Native Hawaiian organizations) to assist such agencies, institutions, and organizations which submit applications in carrying out programs or projects authorized by this part that are designed to meet the educational needs of gifted and talented students, including the training of personnel in the education of gifted and talented students and in the use, where appropriate, of gifted and talented services, materials, and methods for all students.

"(2) Application.—Each entity desiring assistance under this part shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. Each such application shall describe how—

"(A) the proposed gifted and talented services, materials, and methods can be adapted, if appropriate, for use by all students; and

"(B) the proposed programs can be evaluated.

"(b) Uses of Funds.—Programs and projects assisted under this section may include—

"(1) professional development (including fellowships) for personnel (including leadership personnel) involved in the education of gifted and talented students;

"(2) establishment and operation of model projects and exemplary programs for serving gifted and talented students, including innovative methods for identifying and educating students who may not be served by traditional gifted and talented programs, summer programs, mentoring programs, service learning programs, and cooperative programs involving business, industry, and education;

"(3) training of personnel and parents involved in gifted and talented programs with respect to the impact of gender role socialization on the educational needs of gifted and talented children and in gender equitable education methods, techniques and practices;

"(4) implementing innovative strategies, such as cooperative learning, peer tutoring and service learning;

"(5) strengthening the capability of State educational agencies and institutions of higher education to provide leadership and assistance to local educational agencies and nonprofit private schools in the planning, operation, and improvement of programs for the identification and education of gifted and talented students and the appropriate use of gifted and talented programs and methods to serve all students;

"(6) programs of technical assistance and information dissemination, including how gifted and talented programs and methods, where appropriate, may be adapted for use by all students; and

"(7) carrying out—

"(A) research on methods and techniques for identifying and teaching gifted and talented students, and for using gifted and talented programs and methods to serve all students; and

"(B) program evaluations, surveys, and the collection, analysis, and development of information needed to accomplish the purposes of this part.

"(c) ESTABLISHMENT OF NATIONAL CENTER.—

"(1) IN GENERAL.—The Secretary (after consultation with experts in the field of the education of gifted and talented students) shall establish a National Center for Research and Development in the Education of Gifted and Talented Children and Youth through grants to or contracts with one or more institution of higher education or State educational agency, or a combination or consortium of such institutions and agencies, for the purpose of carrying out activities described in paragraph (7) of subsection (b).

"(2) DIRECTOR.—Such National Center shall have a Director. The Secretary may authorize the Director to carry out such functions of the National Center as may be agreed upon through arrangements with other institutions of higher education, State or local educational agencies, or other public or private agencies and organizations.

"(d) LIMITATION.—Not more than 30 percent of the funds available in any fiscal year to carry out the programs and projects authorized by this section may be used to conduct activities pursuant to subsections (b)(7) or (c).

"(e) COORDINATION.—Research activities supported under this section—

"(1) shall be carried out in consultation with the Office of Educational Research and Improvement to ensure that such activities are coordinated with and enhance the research and development activities supported by such Office; and

"(2) may include collaborative research activities which are jointly funded and carried out with such Office.

"SEC. 10205. PROGRAM PRIORITIES.

"(a) GENERAL PRIORITY.—In the administration of this part the Secretary shall give highest priority—

"(1) to the identification of and the provision of services to gifted and talented students who may not be identified and served through traditional assessment methods (including economically disadvantaged individuals, individuals of limited-English proficiency, and individuals with disabilities); and

"(2) to programs and projects designed to develop or improve the capability of schools in an entire State or region of the Nation through cooperative efforts and participation of State and local educational agencies, institutions of higher education, and other public and private agencies and organizations (including business, industry, and labor), to plan, conduct, and improve programs for the identification of and service to gifted and talented students, such as mentoring and apprenticeship programs.

"(b) SERVICE PRIORITY.—In approving applications for assistance under section 10204(a)(2), the Secretary shall assure that in each fiscal year at least one-half of the applications approved under such section address the priority described in subsection (a)(1).

"SEC. 10206. GENERAL PROVISIONS.

"(a) PARTICIPATION OF PRIVATE SCHOOL CHILDREN AND TEACHERS.—In making grants and entering into contracts under this part, the Secretary shall ensure, where appropriate, that provision is made for the equitable participation of students and teachers in private nonprofit elementary and secondary schools, including the participation of teachers and other personnel in professional development programs serving such children.

"(b) REVIEW, DISSEMINATION, AND EVALUATION.—The Secretary shall—

"(1) use a peer review process in reviewing applications under this part;

"(2) ensure that information on the activities and results of programs and projects funded under this part is disseminated to appropriate State and local agencies and other appropriate organizations, including nonprofit private organizations; and

"(3) evaluate the effectiveness of programs under this part in accordance with section 14701, both in terms of the impact on students traditionally served in separate gifted and talented programs and on other students, and submit the results of such evaluation to Congress not later than January 1, 1998.

"(c) PROGRAM OPERATIONS.—The Secretary shall ensure that the programs under this part are administered within the Department by a person who has recognized professional qualifications and experience in the field of the education of gifted and talented students and who shall—

"(1) administer the programs authorized by this part;

"(2) coordinate all programs for gifted and talented students administered by the Department;

"(3) serve as a focal point of national leadership and information on the educational needs of gifted and talented students and the availability of educational services and programs designed to meet such needs; and

"(4) assist the Assistant Secretary of the Office of Educational Research and Improvement in identifying research priorities which reflect the needs of gifted and talented students.

"SEC. 10207. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated $10,000,000 for fiscal year 1995 and such sums as may be necessary for each of the four succeeding fiscal years to carry out the provisions of this part.

"PART C—PUBLIC CHARTER SCHOOLS

"SEC. 10301. FINDINGS AND PURPOSE.

"(a) FINDINGS.—The Congress finds that—

"(1) enhancement of parent and student choices among public schools can assist in promoting comprehensive educational reform and give more students the opportunity to learn to challenging State content standards and challenging State student performance standards, if sufficiently diverse and high-quality choices, and genuine opportunities to take advantage of such choices, are available to all students;

"(2) useful examples of such choices can come from States and communities that experiment with methods of offering teachers and other educators, parents, and other members of the public the opportunity to design and implement new public schools and to transform existing public schools;

"(3) charter schools are a mechanism for testing a variety of educational approaches and should, therefore, be exempted from restrictive rules and regulations if the leadership of such schools commits to attaining specific and ambitious educational results for educationally disadvantaged students consistent with challenging State content standards and challenging State student performance standards for all students;

"(4) charter schools, as such schools have been implemented in a few States, can embody the necessary mixture of enhanced choice, exemption from restrictive regulations, and a focus on learning gains;

"(5) charter schools, including charter schools that are schools-within-schools, can help reduce school size, which reduction can have a significant effect on student achievement;

"(6) the Federal Government should test, evaluate, and disseminate information on a variety of charter school models in order to help demonstrate the benefits of this promising educational reform; and

"(7) there is a strong documented need for cash flow assistance to charter schools that are starting up, because State and local operating revenue streams are not immediately available.

"(b) PURPOSE.—It is the purpose of this part to increase national understanding of the charter schools model by—

"(1) providing financial assistance for the design and initial implementation of charter schools; and

"(2) evaluating the effects of such schools, including the effects on students, student achievement, staff, and parents.

"SEC. 10302. *PROGRAM AUTHORIZED.*

"(a) IN GENERAL.—The Secretary may award grants to State educational agencies having applications approved pursuant to section 10303 to enable such agencies to conduct a charter school grant program in accordance with this part.

"(b) SPECIAL RULE.—If a State educational agency elects not to participate in the program authorized by this part or does not have an application approved under section 10303, the Secretary may award a grant to an eligible applicant that serves such State and has an application approved pursuant to section 10303(c).

"(c) PROGRAM PERIODS.—

"(1) GRANTS TO STATES.—Grants awarded to State educational agencies under this part shall be awarded for a period of not more than 3 years.

"(2) GRANTS TO ELIGIBLE APPLICANTS.—Grants awarded by the Secretary to eligible applicants or subgrants awarded by State educational agencies to eligible applicants under this part shall be awarded for a period of not more than 3 years, of which the eligible applicant may use—

"(A) not more than 18 months for planning and program design; and

"(B) not more than 2 years for the initial implementation of a charter school.

"(d) LIMITATION.—The Secretary shall not award more than one grant and State educational agencies shall not award more than one subgrant under this part to support a particular charter school.

"SEC. 10303. APPLICATIONS.

"(a) APPLICATIONS FROM STATE AGENCIES.—Each State educational agency desiring a grant from the Secretary under this part shall submit to the Secretary an application at such time, in such manner, and containing or accompanied by such information as the Secretary may require.

"(b) CONTENTS OF A STATE EDUCATIONAL AGENCY APPLICATION.—Each application submitted pursuant to subsection (a) shall—

"(1) describe the objectives of the State educational agency's charter school grant program and a description of how such objectives will be fulfilled, including steps taken by the State educational agency to inform teachers, parents, and communities of the State educational agency's charter school grant program;

"(2) contain assurances that the State educational agency will require each eligible applicant desiring to receive a subgrant to submit an application to the State educational agency containing—

"(A) a description of the educational program to be implemented by the proposed charter school, including—

"(i) how the program will enable all students to meet challenging State student performance standards;

"(ii) the grade levels or ages of children to be served; and

"(iii) the curriculum and instructional practices to be used;

"(B) a description of how the charter school will be managed;

"(C) a description of—

"(i) the objectives of the charter school; and

"(ii) the methods by which the charter school will determine its progress toward achieving those objectives;

"(D) a description of the administrative relationship between the charter school and the authorized public chartering agency;

"(E) a description of how parents and other members of the community will be involved in the design and implementation of the charter school;

"(F) a description of how the authorized public chartering agency will provide for continued operation of the school once the Federal grant has expired, if such agency determines that the school has met the objectives described in subparagraph (C)(i);

"(G) a request and justification for waivers of any Federal statutory or regulatory provisions that the applicant believes are necessary for the successful operation of the charter school, and a description of any State or local rules,

generally applicable to public schools, that will be waived for, or otherwise not apply to, the school;

"(H) a description of how the subgrant funds or grant funds, as appropriate, will be used, including a description of how such funds will be used in conjunction with other Federal programs administered by the Secretary;

"(I) a description of how students in the community will be—

"(i) informed about the charter school; and

"(ii) given an equal opportunity to attend the charter school;

"(J) an assurance that the eligible applicant will annually provide the Secretary and the State educational agency such information as may be required to determine if the charter school is making satisfactory progress toward achieving the objectives described in subparagraph (C)(i);

"(K) an assurance that the applicant will cooperate with the Secretary and the State educational agency in evaluating the program assisted under this part; and

"(L) such other information and assurances as the Secretary and the State educational agency may require.

"(c) CONTENTS OF ELIGIBLE APPLICANT APPLICATION.—Each eligible applicant desiring a grant pursuant to section 10302(e)(1) or 10302(b) shall submit an application to the State educational agency or Secretary, respectively, at such time, in such manner, and accompanied by such information as the State educational agency or Secretary, respectively, may reasonably require.

"(d) CONTENTS OF APPLICATION.—Each application submitted pursuant to subsection (c) shall contain—

"(1) the information and assurances described in subparagraphs (A) through (L) of subsection (b)(3), except that for purposes of this subsection subparagraphs (I), (J), and (K) of such subsection shall be applied by striking "and the State educational agency" each place such term appears; and

"(2) contain assurances that the State educational agency—

"(A) will grant, or will obtain, waivers of State statutory or regulatory requirements; and

"(B) will assist each subgrantee in the State in receiving a waiver under section 10304(e);

"SEC. 10304. ADMINISTRATION.

"(a) SELECTION CRITERIA FOR STATE EDUCATIONAL AGENCIES.—The Secretary shall award grants to State educational agencies under this part on the basis of the quality of the applications submitted under section 10303(b), after taking into consideration such factors as—

"(1) the contribution that the charter schools grant program will make to assisting educationally disadvantaged and other students to achieving State content standards and State student performance standards and, in general, a State's education improvement plan;

"(2) the degree of flexibility afforded by the State educational agency to charter schools under the State's charter schools law;

"(3) the ambitiousness of the objectives for the State charter school grant program;

"(4) the quality of the strategy for assessing achievement of those objectives; and

"(5) the likelihood that the charter school grant program will meet those objectives and improve educational results for students.

"(b) SELECTION CRITERIA FOR ELIGIBLE APPLICANTS.—The Secretary shall award grants to eligible applicants under this part on the basis of the quality of the applications submitted under section 10303(c), after taking into consideration such factors as—

"(1) the quality of the proposed curriculum and instructional practices;

"(2) the degree of flexibility afforded by the State educational agency and, if applicable, the local educational agency to the charter school;

"(3) the extent of community support for the application;

"(4) the ambitiousness of the objectives for the charter school;

"(5) the quality of the strategy for assessing achievement of those objectives; and

"(6) the likelihood that the charter school will meet those objectives and improve educational results for students.

"(c) PEER REVIEW.—The Secretary, and each State educational agency receiving a grant under this part, shall use a peer review process to review applications for assistance under this part.

"(d) DIVERSITY OF PROJECTS.—The Secretary and each State educational agency receiving a grant under this part, shall award subgrants under this part in a manner that, to the extent possible, ensures that such grants and subgrants—

"(1) are distributed throughout different areas of the Nation and each State, including urban and rural areas; and

"(2) will assist charter schools representing a variety of educational approaches, such as approaches designed to reduce school size.

"(e) WAIVERS.—The Secretary may waive any statutory or regulatory requirement over which the Secretary exercises administrative authority except any such requirement relating to the elements of a charter school described in section 10306(1), if—

"(1) the waiver is requested in an approved application under this part; and

"(2) the Secretary determines that granting such a waiver will promote the purpose of this part.

"(f) USE OF FUNDS.—

"(1) STATE EDUCATIONAL AGENCIES.—Each State educational agency receiving a grant under this part shall use such grant funds to award subgrants to one or more eligible applicants in the State to enable such applicant to plan and implement a charter school in accordance with this part.

"(2) ELIGIBLE APPLICANTS.—Each eligible applicant receiving funds from the Secretary or a State educational agency shall use such funds to plan and implement a charter school in accordance with this part.

"(3) ALLOWABLE ACTIVITIES.—An eligible applicant receiving a grant or subgrant under this part may use the grant or subgrant funds only for—

"(A) post-award planning and design of the educational program, which may include—

"(i) refinement of the desired educational results and of the methods for measuring progress toward achieving those results; and

"(ii) professional development of teachers and other staff who will work in the charter school; and

"(B) initial implementation of the charter school, which may include—

"(i) informing the community about the school;

"(ii) acquiring necessary equipment and educational materials and supplies;

"(iii) acquiring or developing curriculum materials; and

"(iv) other initial operational costs that cannot be met from State or local sources.

"(4) ADMINISTRATIVE EXPENSES.—Each State educational agency receiving a grant pursuant to this part may reserve not more than 5 percent of such grant funds for administrative expenses associated with the charter school grant program assisted under this part.

"(5) REVOLVING LOAN FUNDS.—Each State educational agency receiving a grant pursuant to this part may reserve not more than 20 percent of the grant amount for the establishment of a revolving loan fund. Such fund may be used to make loans to eligible applicants that have received a subgrant under this part, under such terms as may be determined by the State educational agency, for the initial operation of the charter school grant program of such recipient until such time as the recipient begins receiving ongoing operational support from State or local financing sources.

"SEC. 10305. NATIONAL ACTIVITIES.

"The Secretary may reserve not more than ten percent of the funds available to carry out this part for any fiscal year for—

"(1) peer review of applications under section 10304(c);

"(2) an evaluation of the impact of charter schools on student achievement, including those assisted under this part; and

"(3) other activities designed to enhance the success of the activities assisted under this part, such as—

"(A) development and dissemination of model State charter school laws and model contracts or other means of authorizing and monitoring the performance of charter schools; and

"(B) collection and dissemination of information on successful charter schools.

"SEC. 10306. DEFINITIONS.

"As used in this part:

"(1) The term 'charter school' means a public school that—

"(A) in accordance with an enabling State statute, is exempted from significant State or local rules that inhibit

the flexible operation and management of public schools, but not from any rules relating to the other requirements of this paragraph;

"(B) is created by a developer as a public school, or is adapted by a developer from an existing public school, and is operated under public supervision and direction;

"(C) operates in pursuit of a specific set of educational objectives determined by the school's developer and agreed to by the authorized public chartering agency;

"(D) provides a program of elementary or secondary education, or both;

"(E) is nonsectarian in its programs, admissions policies, employment practices, and all other operations, and is not affiliated with a sectarian school or religious institution;

"(F) does not charge tuition;

"(G) complies with the Age Discrimination Act of 1975, title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, and part B of the Individuals with Disabilities Education Act;

"(H) admits students on the basis of a lottery, if more students apply for admission than can be accommodated;

"(I) agrees to comply with the same Federal and State audit requirements as do other elementary and secondary schools in the State, unless such requirements are specifically waived for the purpose of this program;

"(J) meets all applicable Federal, State, and local health and safety requirements; and

"(K) operates in accordance with State law.

"(2) The term 'developer' means an individual or group of individuals (including a public or private nonprofit organization), which may include teachers, administrators and other school staff, parents, or other members of the local community in which a charter school project will be carried out.

"(3) The term 'eligible applicant' means an authorized public chartering agency participating in a partnership with a developer to establish a charter school in accordance with this part.

"(4) The term 'authorized public chartering agency' means a State educational agency, local educational agency, or other public entity that has the authority pursuant to State law and approved by the Secretary to authorize or approve a charter school.

"SEC. 10307. AUTHORIZATION OF APPROPRIATIONS.

"For the purpose of carrying out this part, there are authorized to be appropriated $15,000,000 for fiscal year 1995 and such sums as may be necessary for each of the four succeeding fiscal years.

"PART D—ARTS IN EDUCATION

"Subpart 1—Arts Education

"SEC. 10401. SUPPORT FOR ARTS EDUCATION.

"(a) FINDINGS.—The Congress finds that—

"(1) the arts are forms of understanding and ways of knowing that are fundamentally important to education;

"(2) the arts are important to excellent education and to effective school reform;

"(3) the most significant contribution of the arts to education reform is the transformation of teaching and learning;

"(4) such transformation is best realized in the context of comprehensive, systemic education reform;

"(5) demonstrated competency in the arts for American students is among the National Education Goals;

"(6) participation in performing arts activities has proven to be an effective strategy for promoting the inclusion of persons with disabilities in mainstream settings;

"(7) opportunities in the arts have enabled persons of all ages with disabilities to participate more fully in school and community activities;

"(8) the arts can motivate at-risk students to stay in school and become active participants in the educational process; and

"(9) arts education should be an integral part of the elementary and secondary school curriculum.

"(b) PURPOSES.—The purposes of this subpart are to—

"(1) support systemic education reform by strengthening arts education as an integral part of the elementary and secondary school curriculum;

"(2) help ensure that all students have the opportunity to learn to challenging State content standards and challenging State student performance standards in the arts; and

"(3) support the national effort to enable all students to demonstrate competence in the arts in accordance with the National Education Goals.

"(c) ELIGIBLE RECIPIENTS.—In order to carry out the purposes of this subpart, the Secretary is authorized to award grants to, or enter into contracts or cooperative agreements with—

"(1) State educational agencies;

"(2) local educational agencies;

"(3) institutions of higher education;

"(4) museums and other cultural institutions; and

"(5) other public and private agencies, institutions, and organizations.

"(d) AUTHORIZED ACTIVITIES.—Funds under this subpart may be used for—

"(1) research on arts education;

"(2) the development of, and dissemination of information about, model arts education programs;

"(3) the development of model arts education assessments based on high standards;

"(4) the development and implementation of curriculum frameworks for arts education;

"(5) the development of model preservice and inservice professional development programs for arts educators and other instructional staff;

"(6) supporting collaborative activities with other Federal agencies or institutions involved in arts education, such as the National Endowment for the Arts, the Institute of Museum Services, the John F. Kennedy Center for the Performing Arts, Very Special Arts, and the National Gallery of Art;

"(7) supporting model projects and programs in the performing arts for children and youth through arrangements made with the John F. Kennedy Center for the Performing Arts;

"(8) supporting model projects and programs by Very Special Arts which assure the participation in mainstream settings in arts and education programs of individuals with disabilities;

"(9) supporting model projects and programs to integrate arts education into the regular elementary and secondary school curriculum; and

"(10) other activities that further the purposes of this subpart.

"(e) COORDINATION.—

"(1) IN GENERAL.—A recipient of funds under this subpart shall, to the extent possible, coordinate projects assisted under this subpart with appropriate activities of public and private cultural agencies, institutions, and organizations, including museums, arts education associations, libraries, and theaters.

"(2) SPECIAL RULE.—In carrying out this subpart, the Secretary shall coordinate with the National Endowment for the Arts, the Institute of Museum Services, the John F. Kennedy Center for the Performing Arts, Very Special Arts, and the National Gallery of Art.

"(f) AUTHORIZATION.—

"(1) IN GENERAL.—For the purpose of carrying out this subpart, there are authorized to be appropriated $11,000,000 for fiscal year 1995 and such sums as may be necessary for each of the four succeeding fiscal years.

"(2) SPECIAL RULE.—If the amount appropriated under paragraph (1) for any fiscal year is $9,000,000 or less, then such amount shall only be available to carry out the activities described in paragraphs (7) and (8) of subsection (d).

"Subpart 2—Cultural Partnerships for At-Risk Children and Youth

"SEC. 10411. FINDINGS AND PURPOSE.

"(a) FINDINGS.—The Congress finds:

"(1) With local school budget cuts there are inadequate arts and cultural programs available for children and youth in schools, especially at the elementary school level.

"(2) The arts promote progress in academic subjects as shown by research conducted by the National Endowment for the Arts.

"(3) Children and youth who receive instruction in the arts and humanities, or who are involved in cultural activities, remain in school longer and are more successful than children who do not receive such instruction.

"(4) Learning in the arts and humanities promotes progress in other academic subjects, and generates positive self-esteem and a greater sense of accomplishment in young people.

"(5) School-university and school-cultural institution partnerships that upgrade teacher training in the arts and humanities have significantly contributed to improved instruction and achievement levels of school-aged children.

"(6) Museum outreach, cultural activities and informal education for at-risk children and youth have contributed significantly to the educational achievement and enhanced interest in learning of at-risk children and youth.

"(7) The Goals 2000: Educate America Act, other legislation and local, State and national resources support the integration of the arts and humanities into the regular curriculum and school day for all children.

"(8) While all children benefit from instruction in the arts and the humanities, at-risk children and youth have a special, additional need for arts and cultural programs both in school and after school.

"(b) Purpose.—The purpose of this subpart is to make demonstration grants to eligible entities to improve the educational performance and future potential of at-risk children and youth by providing comprehensive and coordinated educational and cultural services.

"SEC. 10412. PROGRAM AUTHORIZED.

"(a) In General.—The Secretary is authorized to award grants to eligible entities to pay the Federal share of the costs of the activities described in section 10413.

"(b) Special Requirements.—

"(1) In general.—The Secretary shall award grants under this subpart only to programs designed to—

"(A) promote and enhance educational and cultural activities;

"(B) provide multi-year services to at-risk children and youth and to integrate community cultural resources into in-school and after-school educational programs;

"(C) provide integration of community cultural resources into the regular curriculum and school day;

"(D) focus school and cultural resources in the community on coordinated cultural services to address the needs of at-risk children and youth;

"(E) provide effective cultural programs to facilitate the transition from preschool programs to elementary school programs, including programs under the Head Start Act and part H of the Individuals with Disabilities Education Act;

"(F) facilitate school-to-work transition from secondary schools and alternative schools to job training, higher education and employment through educational programs and activities that utilize school resources;

"(G) increase parental and community involvement in the educational, social, and cultural development of at-risk children and youth; or

"(H)(i) develop programs and strategies that provide high-quality coordinated educational and cultural services; and

"(ii) provide a model to replicate such services in other schools and communities.

"(2) PARTNERSHIP.—An interagency partnership comprised of the Secretary of Education, the Chairman of the National Endowment for the Humanities, the Chairman of the National Endowment for the Arts, and the Director of the Institute of Museum Services, or their designees, shall establish criteria and procedures for awarding grants, including the establishment of panels to review the applications, and shall administer the grants program authorized by this section. The Secretary shall publish such criteria and procedures in the Federal Register.

"(3) COORDINATION.—Grants may only be awarded under this subpart to eligible entities that agree to coordinate activities carried out under other Federal, State, and local grants, received by the members of the partnership for purposes and target populations described in this subpart, into an integrated service delivery system located at a school, cultural, or other community-based site accessible to and utilized by at-risk youth.

"(4) ELIGIBLE ENTITIES.—For purposes of this subpart, the term 'eligible entity' means a partnership between—

"(A) a local educational agency or an individual school that is eligible to participate in a schoolwide program under section 1114; and

"(B) at least one institution of higher education, museum, local arts agency, or cultural entity that is accessible to individuals within the school district of such local educational agency or school, and that has a history of providing quality services to the community, which may include—

"(i) nonprofit institutions of higher education, museums, libraries, performing, presenting and exhibiting arts organizations, literary arts organizations, State and local arts organizations, cultural institutions, and zoological and botanical organizations; or

"(ii) private for-profit entities with a history of training children and youth in the arts.

"(5) GEOGRAPHIC DISTRIBUTION.—In awarding grants under this subpart the Secretary, to the extent feasible, shall ensure an equitable geographic distribution of such grants.

"(6) DURATION.—Grants made under this subpart may be renewable for a maximum of five years if the Secretary determines that the eligible recipient has made satisfactory progress toward the achievement of the program objectives described in the application.

"(7) MODELS.—The Secretary, in consultation with the Chairman of the National Endowment for the Humanities, the

Chairman of the National Endowment for the Arts and the Director of the Institute of Museum Services, or their designees, shall submit successful models under this title to the National Diffusion Network for review.

"(c) Target Population.—To be eligible for a grant under this subpart, an eligible entity shall serve—

"(1) students enrolled in schools participating in a schoolwide program under section 1114 and the families of such students to the extent practicable;

"(2) out-of-school children and youth at risk of disadvantages resulting from teenage parenting, substance abuse, recent migration, disability, limited-English proficiency, illiteracy, being the child of a teenage parent, living in a single parent household, or dropping out of school; or

"(3) any combination of in-school and out-of-school at-risk children and youth.

"SEC. 10413. AUTHORIZED ACTIVITIES.

"(a) In General.—Grants awarded under this subpart may be used—

"(1) to plan, develop, acquire, expand, and improve school-based or community-based coordinated educational and cultural programs to strengthen the educational performance and future potential of in-school or out-of-school at-risk children and youth through grants, cooperative agreements, contracts for services, or administrative coordination;

"(2) to provide at-risk students with integrated cultural activities designed to develop a love of learning that fosters the smooth transition of preschool children to elementary school;

"(3) to design collaborative cultural activities for students in secondary or alternative schools that ensure the smooth transition to job training, higher education, or full employment;

"(4) to provide child care for children of at-risk students who would not otherwise be able to participate in the program;

"(5) to provide transportation necessary for participation in the program;

"(6) to work with existing school personnel to develop curriculum materials and programs in the arts;

"(7) to work with existing school personnel on staff development activities that encourage the integration of the arts into the curriculum;

"(8) for stipends that allow local artists to work with at-risk children and youth in schools;

"(9) for training individuals who are not trained to work with children and youth;

"(10) for cultural programs that encourage the active participation of parents in the education of their children;

"(11) for programs that use the arts and culture to reform current school practices, including lengthening the school day or academic year;

"(12) for equipment or supplies that the Secretary determines appropriate; and

"(13) for evaluation, administration, and supervision.

"(b) Planning Grants.—

"(1) APPLICATION.—An eligible entity may submit an application to the Secretary for a planning grant for an amount not to exceed $50,000. Such grants shall be for periods of not more than one year.

"(2) LIMIT ON PLANNING GRANTS.—Not more than 10 percent of the amounts appropriated in each fiscal year under this subpart shall be used for grants under this subsection, and an eligible entity may receive not more than one such planning grant.

"(c) GENERAL PROVISIONS.—

"(1) IN GENERAL.—Each eligible entity desiring a grant under this subpart shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall—

"(A) describe the cultural entity or entities that will participate in the partnership;

"(B) describe the target population to be served;

"(C) describe the services to be provided;

"(D) describe a plan for evaluating the success of the program;

"(E) in the case of each local educational agency or school participating in the eligible recipient partnership, describe how the activities assisted under this subpart will be perpetuated beyond the duration of the grant;

"(F) describe the manner in which the eligible entity will improve the educational achievement or future potential of at-risk youth through more effective coordination of cultural services in the community;

"(G) describe the overall and operational goals of the program;

"(H) describe the nature and location of all planned sites where services will be delivered and a description of services which will be provided at each site; and

"(I) describe training that will be provided to individuals who are not trained to work with children and youth, and how teachers will be involved.

"SEC. 10414. PAYMENTS; AMOUNTS OF AWARD; COST SHARE; LIMITATIONS.

"(a) PAYMENTS.—

"(1) IN GENERAL.—The Secretary shall pay to each eligible recipient having an application approved under section 10413(c) the Federal share of the cost of the activities described in the application.

"(2) SPECIAL RULE.—(A) Grants awarded under this subpart shall be of sufficient size, scope, and quality to be effective.

"(B) The Secretary shall award grants under this subpart so as to ensure nonduplication of services provided by grant recipients and services provided by—

"(i) the National Endowment for the Humanities;

"(ii) the National Endowment for the Arts; and

"(iii) the Institute of Museum Services.

"(b) COST SHARE.—

"(1) FEDERAL SHARE.—The Federal share of a grant under this subpart shall be 80 percent of the cost of carrying out the activities described in the application.

"(2) NON-FEDERAL SHARE.—The non-Federal share of a grant under this subpart shall be 20 percent of the cost of carrying out the activities described in the application and may be in cash or in kind, fairly evaluated, including the provision of equipment, services, or facilities.

"(c) LIMITATIONS.—

"(1) NONINSTRUCTIONAL SERVICES.—Not more than 25 percent of the grant funds provided in any fiscal year under this subpart may be used for noninstructional activities such as the activities described in paragraphs (4), (5), and (12) of section 10413(a).

"(2) SUPPLEMENT AND NOT SUPPLANT.—Grant funds awarded under this part shall be used to supplement not supplant the amount of funds made available from non-Federal sources, for the activities assisted under this subpart, in amounts that exceed the amounts expended for such activities in the year preceding the year for which the grant is awarded.

"(3) ADMINISTRATIVE COSTS.—(A) The Secretary may reserve not more than five percent of the grant funds received under this subpart in each fiscal year for the costs of administration.

"(B) Each eligible recipient may reserve not more than 5 percent of any grant funds received under this subpart in each fiscal year for the costs of administration.

"SEC. 10415. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this subpart, $45,000,000 for fiscal year 1995, and such sums as may be necessary for each of the four succeeding fiscal years.

"PART E—INEXPENSIVE BOOK DISTRIBUTION PROGRAM

"SEC. 10501. INEXPENSIVE BOOK DISTRIBUTION PROGRAM FOR READING MOTIVATION.

"(a) AUTHORIZATION.—The Secretary is authorized to enter into a contract with Reading is Fundamental (RIF) (hereafter in this section referred to as 'the contractor') to support and promote programs, which include the distribution of inexpensive books to students, that motivate children to read.

"(b) REQUIREMENTS OF CONTRACT.—Any contract entered into under subsection (a) shall—

"(1) provide that the contractor will enter into subcontracts with local private nonprofit groups or organizations, or with public agencies, under which each subcontractor will agree to establish, operate, and provide the non-Federal share of the cost of reading motivation programs that include the distribution of books, by gift, to the extent feasible, or loan, to children from birth through secondary school age, including those in family literacy programs;

"(2) provide that funds made available to subcontractors will be used only to pay the Federal share of the cost of such programs;

"(3) provide that in selecting subcontractors for initial funding, the contractor will give priority to programs that will serve a substantial number or percentage of children with special needs, such as—

"(A) low-income children, particularly in high-poverty areas;

"(B) children at risk of school failure;

"(C) children with disabilities;

"(D) foster children;

"(E) homeless children;

"(F) migrant children;

"(G) children without access to libraries;

"(H) institutionalized or incarcerated children; and

"(I) children whose parents are institutionalized or incarcerated;

"(4) provide that the contractor will provide such technical assistance to subcontractors as may be necessary to carry out the purpose of this section;

"(5) provide that the contractor will annually report to the Secretary the number of, and describe, programs funded under paragraph (3); and

"(6) include such other terms and conditions as the Secretary determines to be appropriate to ensure the effectiveness of such programs.

"(c) RESTRICTION ON PAYMENTS.—The Secretary shall make no payment of the Federal share of the cost of acquiring and distributing books under any contract under this section unless the Secretary determines that the contractor or subcontractor, as the case may be, has made arrangements with book publishers or distributors to obtain books at discounts at least as favorable as discounts that are customarily given by such publisher or distributor for book purchases made under similar circumstances in the absence of Federal assistance.

"(d) DEFINITION OF 'FEDERAL SHARE'.—For the purpose of this section, the term 'Federal share' means, with respect to the cost to a subcontractor of purchasing books to be paid under this section, 75 percent of such costs to the subcontractor, except that the Federal share for programs serving children of migrant or seasonal farmworkers shall be 100 percent of such costs to the subcontractor.

"(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $10,300,000 for fiscal year 1995 and such sums as may be necessary for each of the four succeeding fiscal years.

"PART F—CIVIC EDUCATION

"SEC. 10601. INSTRUCTION ON THE HISTORY AND PRINCIPLES OF DEMOCRACY IN THE UNITED STATES.

"(a) GENERAL AUTHORITY.—

"(1) PROGRAM ESTABLISHED.—(A) The Secretary is authorized to carry out a program to enhance the attainment of the

third and sixth National Education Goals by educating students about the history and principles of the Constitution of the United States, including the Bill of Rights, and to foster civic competence and responsibility.

"(B) Such program shall be known as 'We the People . . . The Citizen and the Constitution'.

"(2) EDUCATIONAL ACTIVITIES.—The program required by paragraph (1) shall—

"(A) continue and expand the educational activities of the 'We the People . . . The Citizen and the Constitution' program administered by the Center for Civic Education; and

"(B) enhance student attainment of challenging content standards in civics and government.

"(3) CONTRACT OR GRANT AUTHORIZED.—The Secretary is authorized to award a grant or enter into a contract with the Center for Civic Education to carry out the program described in paragraph (1).

"(b) PROGRAM CONTENT.—The education program authorized by this section shall provide—

"(1) a course of instruction on the basic principles of our Nation's constitutional democracy and the history of the Constitution and the Bill of Rights;

"(2) at the request of a participating school, school and community simulated congressional hearings following the course of study; and

"(3) an annual national competition of simulated congressional hearings for secondary students who wish to participate in such program.

"(c) AVAILABILITY OF PROGRAM.—The education program authorized by this section shall be made available to public and private elementary and secondary schools in the 435 congressional districts, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the District of Columbia.

"(d) SPECIAL RULE.—After the provisions of subsection (b) have been implemented, funds provided under this section may be used for—

"(1) advanced training of teachers about the United States Constitution and the political system the United States created; or

"(2) a course of instruction at the middle school level on the roles of State and local governments in the Federal system established by the Constitution, which course shall provide for—

"(A) optional school and community simulated State legislative hearings;

"(B) an annual competition of simulated legislative hearings at the State legislative district, State, and national levels for middle school students who wish to participate in the program; and

"(C) participation by public and private middle schools in the 50 States, the District of Columbia, Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands.

"SEC. 10602. INSTRUCTION IN CIVICS, GOVERNMENT, AND THE LAW.

"(a) PROGRAM ESTABLISHED.—The Secretary is authorized to carry out a program of awarding grants and contracts to assist State and local educational agencies and other public and private nonprofit agencies, organizations, and institutions to enhance—

"(1) attainment by students of challenging State content standards and challenging State student performance standards in civics, government, and the law; and

"(2) attainment by the Nation of the third and the sixth National Education Goals.

"(b) AUTHORIZED ACTIVITIES.—Assistance under this section may support new and ongoing programs in elementary and secondary schools that provide for—

"(1) the development and implementation of curricular programs that enhance student understanding of—

"(A) the values and principles which underlie, and the institutions and processes which comprise, our Nation's system of government;

"(B) the role of law in our constitutional democracy, including activities to promote—

"(i) legal literacy;

"(ii) a dedication by students to the use of nonviolent means of conflict resolution such as arbitration, mediation, negotiation, trials, and appellate hearings; and

"(iii) respect for cultural diversity and acceptance of cultural differences; and

"(C) the rights and responsibilities of citizenship;

"(2) professional development for teachers, including preservice and inservice training;

"(3) outside-the-classroom learning experiences for students, including community service activities;

"(4) the active participation of community leaders, from the public and private sectors, in the schools; and

"(5) the provision of technical assistance to State and local educational agencies and other institutions and organizations working to further the progress of the Nation in attaining the third and sixth National Education Goals regarding civics and government.

"(c) APPLICATIONS, PEER REVIEW AND PRIORITY.—

"(1) SUBMISSION OF APPLICATIONS.—A State or local educational agency, other public or private nonprofit agency, organization, or institution that desires to receive a grant or enter into a contract under this section shall submit an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

"(2) PEER REVIEW.—(A) The Secretary shall convene a panel of individuals for purpose of reviewing and rating applications submitted under paragraph (1).

"(B) Such individuals shall have experience with education programs in civics, government, and the law.

"(3) PRIORITY.—In awarding grants or awarding contracts under this section, the Secretary shall give priority consideration to applications which propose the operation of statewide programs.

"(d) DURATION OF GRANTS AND EXCEPTION.—

"(1) DURATION.—Except as provided in paragraph (2), the Secretary shall award grants and contracts under this section for periods of two or three years.

"(2) EXCEPTION.—The Secretary may award a grant or a contract under this section for a period of less than 2 years if the Secretary determines that special circumstances exist which warrant a 1-year grant or contract award.

"SEC. 10603. REPORT; AUTHORIZATION OF APPROPRIATIONS.

"(a) REPORT.—The Secretary shall report, on a biennial basis to the Committee on Education and Labor of the House of Representatives and to the Committee on Labor and Human Resources of the Senate regarding the distribution and use of funds authorized under this part.

"(b) AUTHORIZATION OF APPROPRIATIONS.—

"(1) GENERAL.—There are authorized to be appropriated to carry out this part $15,000,000 for fiscal year 1995 and such sums as may be necessary for each of the four succeeding fiscal years.

"(2) ALLOCATION.—Except as provided in paragraph (3), from the amount appropriated under subsection (a), the Secretary shall allocate—

"(A) 40 percent of such amount to carry out section 10601; and

"(B) 60 percent of such amount to carry out section 10602.

"(3) SPECIAL RULE.—From funds appropriated under paragraph (1), the Secretary shall make available for fiscal year 1995 and each succeeding fiscal year thereafter for the programs under section 16101 and 16102 not less than the amount made available for fiscal year 1994 to carry out such programs under section 4609 and 1562, respectively, of this Act (as such sections were in effect on the day preceding the date of enactment of the Improving America's Schools Act of 1994).

"PART G—ALLEN J. ELLENDER FELLOWSHIP PROGRAM

"SEC. 10701. FINDINGS.

"The Congress finds as follows:

"(1) It is a worthwhile goal to ensure that all students in America are prepared for responsible citizenship and that all students should have the opportunity to be involved in activities that promote and demonstrate good citizenship.

"(2) It is a worthwhile goal to ensure that America's educators have access to programs for the continued improvement of their professional skills.

"(3) Allen J. Ellender, a Senator from Louisiana and President pro tempore of the United States Senate, had a distinguished career in public service characterized by extraordinary energy and real concern for young people. Senator Ellender provided valuable support and encouragement to the Close Up Foundation, a nonpartisan, nonprofit foundation promoting knowledge and understanding of the Federal Government among young people and educators. Therefore, it is a fitting and appropriate tribute to Senator Ellender to provide fellowships in his name to students of limited economic means, the teachers who work with such students, and older Americans, so that such students, teachers, and older Americans may participate in the programs supported by the Close Up Foundation.

"Subpart 1—Program for Middle and Secondary School Students

"SEC. 10711. ESTABLISHMENT.

"(a) GENERAL AUTHORITY.—The Secretary is authorized to make grants in accordance with the provisions of this subpart to the Close Up Foundation of Washington, District of Columbia, a nonpartisan, nonprofit foundation, for the purpose of assisting the Close Up Foundation in carrying out its programs of increasing understanding of the Federal Government among middle and secondary school students.

"(b) USE OF FUNDS.—Grants under this subpart shall be used only to provide financial assistance to economically disadvantaged students who participate in the program described in subsection (a). Financial assistance received pursuant to this subpart by such students shall be known as Allen J. Ellender fellowships.

"SEC. 10712. APPLICATIONS.

"(a) APPLICATION REQUIRED.—No grant under this subpart may be made except upon an application at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"(b) CONTENTS OF APPLICATION.—Each such application shall contain provisions to assure—

"(1) that fellowship grants are made to economically disadvantaged middle and secondary school students;

"(2) that every effort will be made to ensure the participation of students from rural and small town areas, as well as from urban areas, and that in awarding fellowships to economically disadvantaged students, special consideration will be given to the participation of students with special educational needs, including student with disabilities, ethnic minority students, and gifted and talented students; and

"(3) the proper disbursement of the funds received under this subpart.

"Subpart 3—Program for Middle and Secondary School Teachers

"SEC. 10721. ESTABLISHMENT.

"(a) General Authority.—The Secretary is authorized to make grants in accordance with the provisions of this subpart to the Close Up Foundation of Washington, District of Columbia, a nonpartisan, nonprofit foundation, for the purpose of assisting the Close Up Foundation in carrying out its programs of teaching skills enhancement for middle and secondary school teachers.

"(b) Use of Funds.—Grants under this subpart shall be used only for financial assistance to teachers who participate in the program described in subsection (a). Financial assistance received pursuant to this subpart by such individuals shall be known as Allen J. Ellender fellowships.

"SEC. 10722. APPLICATIONS.

"(a) Application Required.—No grant under this subpart may be made except upon an application at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"(b) Contents of Application.—Each such application shall contain provisions to assure—

"(1) that fellowship grants are made only to teachers who have worked with at least one student from such teacher's school who participates in the programs described in section 10711(a);

"(2) that not more than one teacher in each school participating in the programs provided for in section 10711(a) may receive a fellowship in any fiscal year; and

"(3) the proper disbursement of the funds received under this subpart.

"Subpart 3—Programs for Recent Immigrants, Students of Migrant Parents and Older Americans

"SEC. 10731. ESTABLISHMENT.

"(a) General Authority.—

"(1) In general.—The Secretary is authorized to make grants in accordance with the provisions of this subpart to the Close Up Foundation of Washington, District of Columbia, a nonpartisan, nonprofit foundation, for the purpose of assisting the Close Up Foundation in carrying out its programs of increasing understanding of the Federal Government among economically disadvantaged older Americans, recent immigrants and students of migrant parents.

"(2) Definition.—For the purpose of this subpart, the term 'older American' means an individual who has attained 55 years of age.

"(b) USE OF FUNDS.—Grants under this subpart shall be used for financial assistance to economically disadvantaged older Americans, recent immigrants and students of migrant parents who participate in the program described in subsection (a). Financial assistance received pursuant to this subpart by such individuals shall be known as Allen J. Ellender fellowships.

"SEC. 10732. APPLICATIONS.

"(a) APPLICATION REQUIRED.—No grant under this subpart may be made except upon application at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"(b) CONTENTS OF APPLICATION.—Except such application shall contain provisions to assure—

"(1) that fellowship grants are made to economically disadvantaged older Americans, recent immigrants and students of migrant parents.

"(2) that every effort will be made to ensure the participation of older Americans, recent immigrants and students of migrant parents from rural and small town areas, as well as from urban areas, and that in awarding fellowships, special consideration will be given to the participation of older Americans, recent immigrants and students of migrant parents with special needs, including individuals with disabilities, ethnic minorities, and gifted and talented students;

"(3) that activities permitted by subsection (a) are fully described; and

"(4) the proper disbursement of the funds received under this subpart.

"Subpart 4—General Provisions

"SEC. 10741. ADMINISTRATIVE PROVISIONS.

"(a) GENERAL RULE.—Payments under this part may be made in installments, in advance, or by way of reimbursement, with necessary adjustments on account of underpayment or overpayment.

"(b) AUDIT RULE.—The Comptroller General of the United States or any of the Comptroller General's duly authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to any grant under this part.

"SEC. 10742. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There are authorized to be appropriated to carry out the provisions of subparts 1, 2, and 3 of this part $4,400,000 for fiscal year 1995 and such sums as may be necessary of each of the four succeeding fiscal year.

"(b) SPECIAL RULE.—Of the funds appropriated pursuant to subsection (a), not more than 30 percent may be used for teachers associated with students participating in the programs described in section 10711(a).

“PART H—DE LUGO TERRITORIAL EDUCATION IMPROVEMENT PROGRAM

“SEC. 10801. FINDINGS AND PURPOSES.

“(a) FINDINGS.—The Congress finds that—

“(1) the attainment of a high quality education is important to a society and to each individual;

“(2) it is the policy of the United States that all citizens have a fair opportunity to receive a high quality education;

“(3) such opportunity should extend to United States citizens and nationals residing in the outlying areas;

“(4) reports show that the outlying areas have repeatedly placed last in national education tests which measure knowledge in core subject areas;

“(5) all students must realize their potential if the United States is to prosper; and

“(6) students in the outlying areas require additional assistance if such students are to obtain the high standards established for all students in the United States.

“(b) PURPOSES.—The purpose of this part is to authorize an education improvement program for the outlying areas which will assist in developing programs which will enhance student learning, increase the standard of education, and improve the performance levels of all students.

“SEC. 10802. GRANT AUTHORIZATION.

“The Secretary is authorized to make grants to the outlying areas to fund innovative education improvement programs which will increase student learning.

“SEC. 10803. CONSTRUCTION.

“No funds from a grant under section 10802 may be used for construction.

“SEC. 10804. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out this subpart $3,000,000 for each of the fiscal years 1994 through 1999.

“PART I—21ST CENTURY COMMUNITY LEARNING CENTERS

“SEC. 10901. SHORT TITLE.

“This part may be cited as the ‘21st Century Community Learning Centers Act’.

“SEC. 10902. FINDINGS.

“The Congress finds that—

“(1) a local public school often serves as a center for the delivery of education and human resources for all members of a community;

“(2) public schools, primarily in rural and inner city communities, should collaborate with other public and nonprofit agencies and organizations, local businesses, educational entities (such as vocational and adult education programs, school-

to-work programs, community colleges, and universities), recreational, cultural, and other community and human service entities, for the purpose of meeting the needs of, and expanding the opportunities available to, the residents of the communities served by such schools;

"(3) by using school facilities, equipment, and resources, communities can promote a more efficient use of public education facilities, especially in rural and inner city areas where limited financial resources have enhanced the necessity for local public schools to become social service centers;

"(4) the high technology, global economy of the 21st century will require lifelong learning to keep America's workforce competitive and successful, and local public schools should provide centers for lifelong learning and educational opportunities for individuals of all ages; and

"(5) 21st Century Community Learning Centers enable the entire community to develop an education strategy that addresses the educational needs of all members of local communities.

"SEC. 10903. PROGRAM AUTHORIZATION.

"(a) GRANTS BY THE SECRETARY.—The Secretary is authorized, in accordance with the provisions of this part, to award grants to rural and inner-city public elementary or secondary schools, or consortia of such schools, to enable such schools or consortia to plan, implement, or to expand projects that benefit the educational, health, social service, cultural, and recreational needs of a rural or inner-city community.

"(b) EQUITABLE DISTRIBUTION.—In awarding grants under this part, the Secretary shall assure an equitable distribution of assistance among the States, among urban and rural areas of the United States, and among urban and rural areas of a State.

"(c) GRANT PERIOD.—The Secretary shall award grants under this part for a period not to exceed 3 years.

"(d) AMOUNT.—The Secretary shall not award a grant under this part in any fiscal year in an amount less than $35,000.

"SEC. 10904. APPLICATION REQUIRED.

"(a) APPLICATION.—To be eligible to receive a grant under this part, an elementary or secondary school or consortium shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably prescribe. Each such application shall include—

"(1) a comprehensive local plan that enables the school or consortium to serve as a center for the delivery of education and human resources for members of a community;

"(2) an evaluation of the needs, available resources, and goals and objectives for the proposed project in order to determine which activities will be undertaken to address such needs; and

"(3) a description of the proposed project, including—

"(A) a description of the mechanism that will be used to disseminate information in a manner that is understandable and accessible to the community;

"(B) identification of Federal, State, and local programs to be merged or coordinated so that public resources may be maximized;

"(C) a description of the collaborative efforts to be undertaken by community-based organizations, related public agencies, businesses, or other appropriate organizations;

"(D) a description of how the school or consortium will serve as a delivery center for existing and new services, especially for interactive telecommunication used for education and professional training; and

"(E) an assurance that the school or consortium will establish a facility utilization policy that specifically states—

"(i) the rules and regulations applicable to building and equipment use; and

"(ii) supervision guidelines.

"(b) PRIORITY.—The Secretary shall give priority to applications describing projects that offer a broad selection of services which address the needs of the community.

"SEC. 10905. USES OF FUNDS.

"Grants awarded under this part may be used to plan, implement, or expand community learning centers which include not less than four of the following activities:

"(1) Literacy education programs.

"(2) Senior citizen programs.

"(3) Children's day care services.

"(4) Integrated education, health, social service, recreational, or cultural programs.

"(5) Summer and weekend school programs in conjunction with recreation programs.

"(6) Nutrition and health programs.

"(7) Expanded library service hours to serve community needs.

"(8) Telecommunications and technology education programs for individuals of all ages.

"(9) Parenting skills education programs.

"(10) Support and training for child day care providers.

"(11) Employment counseling, training, and placement.

"(12) Services for individuals who leave school before graduating from secondary school, regardless of the age of such individual.

"(13) Services for individuals with disabilities.

"SEC. 10906. DEFINITION.

"For the purpose of this part, the term 'community learning center' means an entity within a public elementary or secondary school building that—

"(1) provides educational, recreational, health, and social service programs for residents of all ages within a local community; and

"(2) is operated by a local educational agency in conjunction with local governmental agencies, businesses, vocational education programs, institutions of higher education, community colleges, and cultural, recreational, and other community and human service entities.

"SEC. 10907. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated $20,000,000 for fiscal year 1995, and such sums as may be necessary for each of the four succeeding fiscal years, to carry out this part.

"PART J—URBAN AND RURAL EDUCATION ASSISTANCE

"SEC. 10951. AUTHORIZATION OF APPROPRIATIONS.

"(a) DEMONSTRATION GRANTS.—

"(1) IN GENERAL.—There are authorized to be appropriated $125,000,000 for fiscal year 1995, and such sums as may be necessary for each of the four succeeding fiscal years, to carry out subparts 1 and 2 (other than section 10975).

"(2) RESERVATION FOR SUBPART 1.—The Secretary shall reserve 50 percent of the amount appropriated under paragraph (1) to carry out subpart 1.

"(3) RESERVATION FOR SUBPART 2.—The Secretary shall reserve 50 percent of the amount appropriated under paragraph (1) to carry out subpart 2 (other than section 10975).

"(b) HIGHER EDUCATION GRANTS.—There are authorized to be appropriated $25,000,000 for fiscal year 1995 and such sums as may be necessary for each of the four succeeding fiscal years to carry out section 10975.

"(c) FEDERAL FUNDS TO SUPPLEMENT NOT SUPPLANT NON-FEDERAL FUNDS.—An eligible local educational agency may use funds received under this part only to supplement and, to the extent practicable, increase the level of funds that would, in the absence of such Federal funds, be made available from non-Federal sources for the education of students participating in activities assisted under this part, and in no such case may such funds be used to supplant funds from non-Federal sources.

"SEC. 10952. DEFINITIONS.

"Except as otherwise provided, for the purposes of this part:

"(1) CENTRAL CITY.—The term 'central city' has the same meaning used by the Bureau of the Census.

"(2) METROPOLITAN STATISTICAL AREA.—The term 'metropolitan statistical area' has the same meaning used by the Bureau of the Census.

"(3) POVERTY LEVEL.—The term 'poverty level' means the criteria of poverty used by the Bureau of the Census in compiling the most recent decennial census.

"(4) RURAL ELIGIBLE LOCAL EDUCATIONAL AGENCY.—The term 'rural eligible local educational agency' means a local educational agency—

"(A)(i) in which at least 15 percent of the children enrolled in the schools served by such agency are eligible to be counted under part A of title I; and

"(ii) which is not in a metropolitan statistical area; or

"(B) in which the total enrollment in the schools served by such agency is less than 2,500 students and that does not serve schools located in a metropolitan statistical area.

"(5) URBAN ELIGIBLE LOCAL EDUCATIONAL AGENCY.—The term 'urban eligible local educational agency' means a local educational agency that—

"(A) serves the largest central city in a State;

"(B) enrolls more than 30,000 students and serves a central city with a population of at least 200,000 in a metropolitan statistical area; or

"(C) enrolls between 25,000 and 30,000 students and serves a central city with a population of at least 140,000 in a metropolitan statistical area.

"Subpart 1—Urban Education Demonstration Grants

"SEC. 10961. FINDINGS.

"The Congress finds that—

"(1) the ability of the Nation's major urban public school systems to meet the Nation's educational goals will determine the country's economic competitiveness and academic standing in the world community;

"(2) the quality of public education in the Nation's major urban areas has a direct effect on the economic development of the Nation's inner-cities;

"(3) the success of urban public schools in boosting the achievement of its minority youth attending such schools will determine the ability of the Nation to close the gap between the 'haves and the have-nots' in society;

"(4) the cost to America's businesses to provide remedial education to high school graduates is approximately $21,000,000,000 per year;

"(5) approximately one-third of the Nation's workforce will be members of minority groups by the year 2000;

"(6) urban schools enroll a disproportionately large share of the Nation's poor and 'at-risk' youth;

"(7) urban schools enroll approximately one-third of Nation's poor, 40 percent of the Nation's African American children, and 30 percent of the Nation's Hispanic youth;

"(8) nearly 20 percent of the Nation's limited-English proficient children and 15 percent of the Nation's disabled youth are enrolled in urban public schools;

"(9) the academic performance of students in the average inner-city public school system is below that of students in most other kinds of school systems;

"(10) urban public school systems have higher dropout rates, more problems with health care, and less parental participation than other kinds of school systems;

"(11) urban preschoolers have one-half the access to early childhood development programs as do other children;

"(12) shortages of teachers in urban public school systems are 2.5 times greater than such shortages in other kinds of school systems;

"(13) declining numbers of urban minority high school graduates are pursuing postsecondary educational opportunities;

"(14) urban public school systems have greater problems with teenage pregnancy, discipline, drug abuse, and gangs than do other kinds of school systems;

"(15) 75 percent of urban public school buildings are over 25 years old, 33 percent of such buildings are over 50 years old, and such buildings are often in serious disrepair and create poor and demoralizing working and learning conditions;

"(16) solving the challenges facing our Nation's urban schools will require the concerted and collaborative efforts of all levels of government and all sectors of the community;

"(17) Federal and State funding of urban public schools has not adequately reflected need; and

"(18) Federal funding that is well-targeted, flexible, and accountable would contribute significantly to addressing the comprehensive needs of inner-city public schools.

"SEC. 10962. PURPOSE.

"It is the purpose of this subpart to provide financial assistance to—

"(1) assist urban public schools in meeting the National Education Goals;

"(2) improve the educational and social well-being of urban public school children;

"(3) close the achievement gap between urban and non-urban public school children, while improving the achievement level of all children nationally;

"(4) conduct coordinated research on urban public education problems, solutions, and promising practices;

"(5) improve the Nation's global economic and educational competitiveness by improving the Nation's urban schools; and

"(6) encourage community, parental, and business collaboration in the improvement of urban schools.

"SEC. 10963. URBAN SCHOOL GRANTS.

"(a) AUTHORITY.—The Secretary is authorized to make grants to eligible local educational agencies serving an urban area or State educational agencies in the case where the State educational agency is the local educational agency for activities designed to assist in local school improvement efforts and school reform, and to assist the schools of such agencies in meeting the National Education Goals.

"(b) AUTHORIZED ACTIVITIES.—Funds under this section may be used to—

"(1) increase the academic achievement of urban public school children to at least the national average, such as—

"(A) effective public schools programs;

"(B) tutoring, mentoring, and other activities to improve academic achievement directly;

"(C) activities designed to increase the participation of minority and female students in entry level and advanced courses in mathematics and science;

"(D) supplementary academic instruction;

"(E) efforts to improve problem-solving and higher-order thinking skills;

"(F) programs to increase student motivation for learning; and

"(G) efforts to lengthen the school day or school year, or to reduce class sizes;

"(2) ensure the readiness of all urban public school children for school, such as—

"(A) full workday, full calendar-year comprehensive early childhood development programs;

"(B) parenting classes and parent involvement activities;

"(C) activities designed to coordinate prekindergarten and child care programs;

"(D) efforts to integrate developmentally appropriate prekindergarten services into the overall public school program;

"(E) upgrading the qualifications of early childhood education staff and standards for programs;

"(F) collaborative efforts with health and social service agencies to provide comprehensive services and to facilitate the transition from home to school;

"(G) establishment of comprehensive child care centers in public secondary schools for students who are parents and their children; and

"(H) augmenting early childhood development programs to meet the special educational and cultural needs of limited-English-proficient preschool children;

"(3) increase the graduation rates of urban public school students to at least the national average, such as—

"(A) dropout prevention activities and support services for public school students at-risk of dropping out of school;

"(B) reentry, outreach, and support activities to recruit students who have dropped out of school to return to school;

"(C) development of systemwide policies and practices that encourage students to stay in school;

"(D) efforts to provide individualized student support, such as mentoring programs;

"(E) collaborative activities between schools, parents, community groups, agencies, and institutions of higher education aimed at preventing individuals from dropping out of school;

"(F) programs to increase student attendance; and

"(G) alternative programs for students, especially bilingual and special education students, who have dropped out of school or are at risk of dropping out of school;

"(4) prepare urban public school students to enter higher education, pursue careers, and exercise their responsibilities as citizens, such as—

"(A) activities designed to increase the number and percentages of students, particularly minority students, enrolling in postsecondary educational institutions after graduation from public secondary schools;

"(B) in-school youth employment, vocational education, and career education programs that improve the transition from school to work;

"(C) activities designed in collaboration with colleges and universities to assist urban public school graduates in completing higher education;

"(D) efforts to increase voter registration among eligible public secondary school students;

"(E) activities designed to promote community service and volunteerism among students, parents, teachers, and the community; and

"(F) civic education and other programs designed to enhance responsible citizenship and understanding of the political process;

"(5) recruit and retain qualified teachers, such as—

"(A) school-based management projects and activities;

"(B) programs designed to test efforts to increase the professionalization of teachers or to bring teachers up to national voluntary standards;

"(C) alternative routes to certification for qualified individuals from business, the military, and other fields;

"(D) efforts to recruit and retain teachers, particularly minority teachers, specializing in critical shortage areas, including early childhood teachers, mathematics and science teachers, and special education and bilingual teachers;

"(E) upgrading the skills of teacher aides and paraprofessionals to permit such individuals to become certified teachers;

"(F) activities specifically designed to increase the number of minority teachers in urban schools;

"(G) incentives for teachers to work in inner-city public schools; and

"(H) collaborative activities with urban universities to revise and upgrade teacher training programs;

"(6) provide for ongoing staff development to increase the professional capacities of the teaching staff and the skills of teacher aides and paraprofessionals;

"(7) decrease the use of drugs and alcohol among urban public school students and enhance the physical and emotional health of such students, such as—

"(A) activities designed to improve the self-esteem and self-worth of urban public school students;

"(B) the provision of health care services and other social services and the coordination of such services with other health care providers;

"(C) programs designed to improve safety and discipline and reduce in-school violence, vandalism, and gang activity;

"(D) activities that begin in the early grades and are designed to prevent drug and alcohol abuse and smoking among students and teachers;

"(E) collaborative activities with other agencies, businesses, and community groups to discourage the advertisement and glorification of drugs and alcohol;

"(F) efforts to enhance health education and nutrition education; and

"(G) alternative public schools, and schools-within-schools programs, including bilingual and special education programs for public school students with special needs; or

"(8) plan, develop, operate, or expand programs and activities that are designed to assist urban public schools in meeting the National Education Goals, including—

"(A) training of teachers and other educational personnel in subject areas, or in instructional technology and methods that will improve the delivery of services in urban settings and assist in the achievement of the National Education Goals, including staff development efforts that emphasize multicultural and gender and disability bias-free curricula;

"(B) coordination and collaboration with other municipal agencies, child care organizations, universities, or the private sector;

"(C) parental involvement and outreach efforts and other activities designed to enhance parental encouragement of student learning;

"(D) pupil services and other support services that contribute to progress in achieving National Education Goals;

"(E) efforts to acquire and improve access to educational technology;

"(F) assist the schools most in need of services by replicating successful efforts of other urban local educational agencies and expanding successful programs within the eligible agency; or

"(G) efforts to improve and strengthen the curriculum and coordinate services across grade levels.

"(c) APPLICATIONS.—

"(1) IN GENERAL.—An eligible local educational agency desiring to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require, consistent with this section.

"(2) DURATION.—An application submitted pursuant to paragraph (1) may be for a period of not more than five years.

"(d) PAYMENTS.—The Secretary shall make an award only to urban eligible local educational agencies that—

"(1) comply with the provisions of section 10966; and

"(2) demonstrate to the satisfaction of the Secretary that the data submitted pursuant to section 10961 shows progress toward meeting National Education Goals.

"(e) ADMINISTRATIVE COSTS.—Not more than five percent of any award made under this subpart may be used for administrative costs.

"SEC. 10964. SPECIAL RULES.

"(a) SPECIAL CONSIDERATION.—In making awards under this subpart, the Secretary shall give special consideration to urban eligible local educational agencies in which there is—

"(1) low achievement;

"(2) high poverty; and

"(3) racial isolation.

"(b) FLEXIBILITY.—Each urban eligible local educational agency shall have the flexibility to serve homeless children, children in schools undergoing desegregation, immigrants, migrants, or other highly mobile populations within the program assisted under this subpart.

"Subpart 2—Rural Education Demonstration Grants

"SEC. 10971. FINDINGS.

"The Congress finds that—

"(1) the ability of America's rural public school systems to meet the National Education Goals will contribute to the economic competitiveness and academic standing of the Nation in the world community;

"(2) approximately 60 percent of the Nation's public school districts are rural with a population of less than 2,500;

"(3) about 1 out of every 4 of America's rural school children are living below the poverty line;

"(4) the quality of public education in the rural areas of the Nation has a direct effect on the economic development of the rural communities of the Nation;

"(5) the success of rural public schools in boosting the achievement of minority youth attending such schools will determine the ability of the Nation to close the gap between the haves and the have-nots in society;

"(6) the academic performance of students in the average rural school system is below that of students in most other suburban school systems;

"(7) the average age of rural public school buildings is more than 45 years old and such buildings are often in serious disrepair, creating poor and demoralizing working and learning conditions;

"(8) shortages of teachers for rural public school systems is greater than in other kinds of school systems;

"(9) solving the challenges facing the Nation's rural public schools will require the concerted and collaborative efforts of all levels of government and all sectors of the community;

"(10) additional Federal funding would contribute significantly to addressing the comprehensive needs of rural schools;

"(11) rural public schools enroll a disproportionately large share of the Nation's poor and at-risk youth;

"(12) a declining number of rural public secondary school graduates are pursuing postsecondary education opportunities;

"(13) rural preschoolers have less access to early childhood development programs than other children; and

"(14) Federal and State funding of rural public schools has not adequately reflected need.

"SEC. 10972. PURPOSE.

"It is the purpose of this subpart to provide financial assistance to rural public schools most in need, to encourage the comprehensive restructuring of America's rural schools, the appropriate use of telecommunications technologies for learning, and to support innovative

programs which improve performance through programs and projects designed to—

"(1) assist rural public schools in meeting National Education Goals;

"(2) encourage rural public schools to engage in school reform;

"(3) develop pilot projects that experiment with innovative ways to teach rural public school children more effectively;

"(4) improve the educational and social well-being of rural public school children;

"(5) close the achievement gap between children attending rural public schools and other children, while improving the achievement level of all children nationally;

"(6) conduct coordinated research on rural education problems, solutions, promising practices, and distance learning technologies;

"(7) improve the Nation's global economic and educational competitiveness by improving the Nation's rural public schools;

"(8) encourage community, parental, and business collaboration in the improvement of rural public schools;

"(9) encourage rural school consortia for the purpose of increasing efficiency and course offerings;

"(10) encourage a positive role for rural public schools in local rural entrepreneurship and the identification of rural community economic development opportunities;

"(11) encourage community-as-school concepts, which include the role public schools can play to assist with rural community economic revitalization; and

"(12) provide for the recruitment and meaningful inservice opportunities for rural public school teachers.

"SEC. 10973. RURAL SCHOOL GRANTS.

"(a) AUTHORITY.—The Secretary is authorized to make grants to rural eligible local educational agencies, or State educational agencies in the case where the State educational agency is the local educational agency, for activities designed to assist in local school improvement efforts.

"(b) AWARD RULES.—

"(1) LESS THAN $50,000,000.—If the amount made available to carry out this subpart for any fiscal year is less than $50,000,000, the Secretary shall award grants under this section on a competitive basis.

"(2) EQUAL TO OR GREATER THAN $50,000,000.—If the amount made available to carry out this subpart for any fiscal year is equal to or greater than $50,000,000, the Secretary shall award grants under this section so that a rural eligible local educational agency in each State receives such a grant.

"(c) ADMINISTRATIVE COSTS.—Not more than five percent of a grant awarded under section 10573 shall be used for administrative costs.

"(d) DURATION.—Each grant under this section shall be awarded for a period of not more than five years.

"SEC. 10974. USES OF FUNDS.

"(a) IN GENERAL.—Grant funds made available under section 10973 may be used by rural eligible local educational agencies to meet the National Education Goals through programs designed to—

"(1) increase the academic achievement of rural public school children to at least the national average of such achievement, including education reform initiatives, such as—

"(A) effective public schools programs;

"(B) tutoring, mentoring, and other activities to improve academic achievement directly;

"(C) supplementary academic instruction;

"(D) efforts to improve problem-solving and higher-order critical thinking skills; and

"(E) efforts to lengthen the school day, school year, or reduce class sizes;

"(2) develop pilot projects that experiment with innovative ways to teach rural public school children more effectively;

"(3) encourage the formation of rural school consortia for the purpose of increasing efficiency and course offerings;

"(4) provide meaningful inservice training opportunities for rural public school teachers;

"(5) assist rural schools in acquiring and improving access to educational technology, including distance learning technologies;

"(6) ensure the readiness of all rural children for school, such as—

"(A) full workday, full calendar-year comprehensive early childhood development programs;

"(B) parenting classes, including parenting classes for teenage parents, and parent involvement activities;

"(C) activities designed to coordinate prekindergarten and child care programs;

"(D) efforts to integrate developmentally appropriate prekindergarten services into the overall public school program;

"(E) improving the skills of early childhood education staff and standards for programs;

"(F) collaborative efforts with health and social service agencies to provide comprehensive services and to facilitate the transition from home to school;

"(G) establishment of comprehensive child care centers in public secondary schools for student parents and their children; and

"(H) augmenting early childhood development programs to meet the special educational and cultural needs of limited-English proficient children, children with disabilities, and migrant preschool children;

"(7) increase the graduation rates of rural public school students to at least the national average of such rate, when funds are used to serve secondary schools, such as—

"(A) dropout prevention activities and support services for students at-risk of dropping out of school;

"(B) reentry, outreach and support activities to recruit students who have dropped out of school to return to school;

"(C) development of systemwide policies and practices that encourage students to stay in school;

"(D) efforts to provide individualized student support;

"(E) collaborative activities between schools, parents, community groups, agencies, and institutions of higher education aimed at preventing individuals from dropping out of school;

"(F) programs to increase student attendance; and

"(G) alternative programs for students, especially bilingual, special education, and migrant students, who have dropped out of school or are at risk of dropping out of school;

"(8) prepare rural public school students to enter higher education, pursue careers, and exercise their responsibilities as citizens, such as—

"(A) activities designed to increase the number and percentages of students, enrolling in postsecondary educational institutions after graduation from secondary schools;

"(B) in-school youth employment, vocational education, and career education programs that improve the transition from school to work;

"(C) activities designed in collaboration with colleges and universities to assist rural public school graduates in completing higher education;

"(D) activities designed in conjunction with community colleges to provide a kindergarten through grade 14 experience for rural public school secondary school students;

"(E) efforts to increase voter registration among eligible public secondary school students attending schools served by rural eligible local educational agencies;

"(F) activities designed to promote community service and volunteerism among students, parents, teachers, and the community;

"(G) civic education, law-related education, and other programs designed to enhance responsible citizenship and understanding of the political process; and

"(H) encouraging a positive role for rural public schools in local rural entrepreneurship and the identification of rural community economic development opportunities;

"(9) recruit and retain qualified teachers, such as—

"(A) school-based management projects and activities;

"(B) programs designed to increase the status of the teaching profession;

"(C) alternative routes to certification for qualified individuals from business, the military, and other fields;

"(D) efforts to recruit and retain teachers in critical shortage areas, including early childhood teachers, mathematics and science teachers, foreign language teachers, and special education and bilingual teachers;

"(E) upgrading the skills of existing classroom teachers through the use of year-round, systematic, comprehensive inservice training programs;

"(F) upgrading the skills of teacher aides and paraprofessionals to assist such individuals in becoming certified teachers;

"(G) efforts specifically designed to increase the number of minority teachers in rural public schools;

"(H) programs designed to encourage parents and students to enter the teaching profession;

"(I) incentives for teachers to work in rural public schools;

"(J) collaborative activities with colleges and universities to revise and upgrade teacher training programs to meet the needs of rural public school students; and

"(K) training activities for the purpose of incorporating distance learning technologies; or

"(10) decrease the use of drugs and alcohol among rural public school students, and to enhance the physical and emotional health of such students, such as—

"(A) activities designed to improve the self-esteem and self-worth of rural students;

"(B) the provision of health care services and other social services and the coordination of such services with other health care providers;

"(C) programs designed to improve safety and discipline and reduce in-school violence and vandalism;

"(D) activities that begin in the early grades and are designed to prevent drug and alcohol abuse and smoking among students;

"(E) collaborative activities with other agencies, businesses, and community groups;

"(F) efforts to enhance health education and nutrition education; and

"(G) alternative public schools, and schools-within-schools programs, including bilingual, migrant, and special education programs for students with special needs.

"(b) APPLICATIONS.—Each eligible entity desiring a grant under section 10973 shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require. Each grant awarded under section 10973 shall be of sufficient size and scope to achieve significant rural school improvement.

"SEC. 10975. HIGHER EDUCATION GRANTS.

"(a) GRANTS.—The Secretary is authorized to make grants to institutions of higher education, consortia of such institutions, or partnerships between institutions of higher education and local educational agencies to assist rural schools and rural eligible local educational agencies in undertaking local school improvement activities.

"(b) AUTHORIZED ACTIVITIES.—Grant funds under this section may be used to—

"(1) assist rural schools in meeting National Education Goals;

"(2) assist in the recruitment and training of teachers in rural schools;

"(3) assist rural schools in the development of appropriate innovative school improvement initiatives;

"(4) provide inservice training opportunities for teachers in rural schools; and

"(5) provide technical assistance in the use and installation of innovative telecommunications technology.

"(c) APPLICATIONS.—Each eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"Subpart 3—White House Conferences

"SEC. 10981. WHITE HOUSE CONFERENCE ON URBAN EDUCATION.

"(a) AUTHORIZATION TO CALL CONFERENCE.—

"(1) IN GENERAL.—The President is authorized to call and conduct a White House Conference on Urban Education (referred to in this section as the 'Conference') which shall be held not earlier than November 1, 1995, and not later than October 30, 1996.

"(2) PURPOSE.—The purpose of the Conference shall be to—

"(A) develop recommendations and strategies for the improvement of urban education;

"(B) marshal the forces of the private sector, governmental agencies at all levels, parents, teachers, communities, and education officials to assist urban public schools in achieving National Education Goals; and

"(C) conduct the initial planning for a permanent national advisory commission on urban education.

"(b) COMPOSITION OF CONFERENCE.—

"(1) IN GENERAL.—The Conference shall be comprised of 12 individuals, including—

"(A) representatives of urban public school systems, including members of the governing body of local educational agencies, and school superintendents;

"(B) representatives of the Congress, the Department of Education, and other Federal agencies;

"(C) State elected officials and representatives from State educational agencies; and

"(D) individuals with special knowledge of and expertise in urban education.

"(2) SELECTION.—The President shall select one-third of the participants of the Conference, the majority leader of the Senate, in consultation with the minority leader of the Senate, shall select one-third of such participants, and the Speaker of the House of Representatives, in consultation with the minority leader of the House, shall select the remaining one-third of such participants.

"(3) REPRESENTATION.—In selecting the participants of the Conference, the President, the Majority Leader of the Senate, and the Speaker of the House of the House of Representatives

shall ensure that the participants are as representative of the ethnic, racial, and linguistic diversity of cities as is practicable.

"(c) REPORT.—

"(1) IN GENERAL.—Not later than 120 days following the termination of the Conference, a final report of the Conference, containing such findings and recommendations as may be made by the Conference, shall be submitted to the President. The final report shall be made public and, not later than 90 days after receipt by the President, transmitted to the Congress together with a statement of the President containing recommendations for implementing the report.

"(2) PUBLICATION AND DISTRIBUTION.—The Conference is authorized to publish and distribute the report described in this section. Copies of the report shall be provided to the Federal depository libraries and made available to local urban public school leaders.

"SEC. 10982. WHITE HOUSE CONFERENCE ON RURAL EDUCATION.

"(a) AUTHORIZATION TO CALL CONFERENCE.—

"(1) IN GENERAL.—The President is authorized to call and conduct a White House Conference on Rural Education (hereafter in this section referred to as the 'Conference').

"(2) DATE.—The Conference shall be held not earlier than November 1, 1995, and not later than October 30, 1996.

"(3) PURPOSE.—The purposes of the Conference shall be to—

"(A) develop recommendations and strategies for the improvement of rural public education;

"(B) marshal the forces of the private sector, governmental agencies at all levels, parents, teachers, communities, and education officials to assist rural public schools in achieving National Education Goals, and make recommendations on the roles rural public schools can play to assist with local rural community economic revitalization; and

"(C) conduct the initial planning for a permanent national commission on rural public education.

"(b) COMPOSITION OF CONFERENCE.—

"(1) IN GENERAL.—The Conference shall be comprised of—

"(A) representatives of eligible public school systems, including members of the governing body of local educational agencies, school superintendents, and classroom teachers;

"(B) representatives of the Congress, the Department, and other Federal agencies;

"(C) State elected officials and representatives from State educational agencies;

"(D) individuals with special knowledge of, and expertise in, rural education, including individuals involved with rural postsecondary education; and

"(E) individuals with special knowledge of, and expertise in, rural business.

"(2) SELECTION.—The President shall select one-third of the participants of the Conference, the Majority Leader of the Senate, in consultation with the Minority Leader of the Senate,

shall select one-third of such participants, and the Speaker of the House of Representatives, in consultation with the Minority Leader of the House, shall select the remaining one-third of such participants.

"(3) REPRESENTATION.—In selecting the participants of the Conference, the President, the Majority Leader of the Senate, and the Speaker of the House of Representatives shall ensure that the participants are as representative of the ethnic, racial, and language diversity of rural areas as is practicable.

"(c) REPORT.—

"(1) IN GENERAL.—Not later than 120 days following the termination of the Conference, a final report of the Conference, containing such findings and recommendations as may be made by the Conference, shall be submitted to the President. The final report shall be made public and, not later than 90 days after receipt by the President, transmitted to the Congress together with a statement of the President containing recommendations for implementing the report.

"(2) PUBLICATION AND DISTRIBUTION.—The Conference is authorized to publish and distribute the report described in this section. Copies of the report shall be provided to the Federal depository libraries and made available to local rural school leaders and teachers.

"PART K—NATIONAL WRITING PROJECT

"SEC. 10991. FINDINGS.

"The Congress finds that—

"(1) the United States faces a crisis in writing in schools and in the workplace;

"(2) the writing problem has been magnified by the rapidly changing student populations and the growing number of at-risk students due to limited English proficiency;

"(3) over the past two decades, universities and colleges across the country have reported increasing numbers of entering freshmen who are unable to write at a level equal to the demands of college work;

"(4) American businesses and corporations are concerned about the limited writing skills of entry-level workers, and a growing number of executives are reporting that advancement was denied to them due to inadequate writing abilities;

"(5) the writing problem has been magnified by the rapidly changing student populations in the Nation's schools and the growing number of students who are at risk because of limited English proficiency;

"(6) writing and reading are both fundamental to learning, yet writing has been historically neglected in the schools and colleges, and most teachers in the United States elementary schools, secondary schools, and colleges have not been trained to teach writing;

"(7) since 1973, the only national program to address the writing problem in the Nation's schools has been the National Writing Project, a network of collaborative university-school

programs whose goal is to improve the quality of student writing and the teaching of writing at all grade levels and to extend the uses of writing as a learning process through all disciplines;

"(8) the National Writing Project offers summer and school year inservice teacher training programs and a dissemination network to inform and teach teachers of developments in the field of writing;

"(9) the National Writing Project is a nationally recognized and honored nonprofit organization that recognizes that there are teachers in every region of the country who have developed successful methods for teaching writing and that such teachers can be trained and encouraged to train other teachers;

"(10) the National Writing Project has become a model for programs to improve teaching in such other fields as mathematics, science, history, literature, performing arts, and foreign languages;

"(11) the National Writing Project teacher-teaching-teachers program identifies and promotes what is working in the classrooms of the Nation's best teachers;

"(12) the National Writing Project teacher-teaching-teachers project is a positive program that celebrates good teaching practices and good teachers and through its work with schools increases the Nation's corps of successful classroom teachers;

"(13) evaluations of the National Writing Project document the positive impact the project has had on improving the teaching of writing, student performance, and student thinking and learning ability;

"(14) the National Writing Project programs offer career-long education to teachers, and teachers participating in the National Writing Project receive graduate academic credit;

"(15) each year over 100,000 teachers voluntarily seek training in National Writing Project intensive summer institutes and workshops and school year in-service programs through one of the 154 regional sites located in 45 States, the Commonwealth of Puerto Rico, and in 4 sites that serve United States teachers in United States dependent and independent schools;

"(16) 250 National Writing Project sites are needed to establish regional sites to serve all teachers;

"(17) private foundation resources, although generous in the past, are inadequate to fund all of the National Writing Project sites needed and the future of the program is in jeopardy without secure financial support;

"(18) independent evaluation studies have found the National Writing Project to be highly cost effective compared to other professional development programs for teachers; and

"(19) during 1991, the first year of Federal support for the National Writing Project, the National Writing Project matched the $1,951,975 in Federal support with $9,485,504 in matching funds from State, local, and other sources.

"SEC. 10992. NATIONAL WRITING PROJECT.

"(a) AUTHORIZATION.—The Secretary is authorized to make a grant to the National Writing Project (hereafter in this section referred to as the 'grantee'), a nonprofit educational organization which has as its primary purpose the improvement of the quality of

student writing and learning, and the teaching of writing as a learning process in the Nation's classrooms—

"(1) to support and promote the establishment of teacher training programs, including the dissemination of effective practices and research findings regarding the teaching of writing and administrative activities;

"(2) to support classroom research on effective teaching practice and to document student performance;

"(3) to coordinate activities assisted under this section with activities assisted under title II; and

"(4) to pay the Federal share of the cost of such programs.

"(b) REQUIREMENTS OF GRANT.—The grant shall provide that—

"(1) the grantee will enter into contracts with institutions of higher education or other nonprofit educational providers (hereafter in this section referred to as 'contractors') under which the contractors will agree to establish, operate, and provide the non-Federal share of the cost of teacher training programs in effective approaches and processes for the teaching of writing;

"(2) funds made available by the Secretary to the grantee pursuant to any contract entered into under this section will be used to pay the Federal share of the cost of establishing and operating teacher training programs as provided in paragraph (1); and

"(3) the grantee will meet such other conditions and standards as the Secretary determines to be necessary to assure compliance with the provisions of this section and will provide such technical assistance as may be necessary to carry out the provisions of this section.

"(c) TEACHER TRAINING PROGRAMS.—The teacher training programs authorized in subsection (a) shall—

"(1) be conducted during the school year and during the summer months;

"(2) train teachers who teach grades kindergarten through college;

"(3) select teachers to become members of a National Writing Project teacher network whose members will conduct writing workshops for other teachers in the area served by each National Writing Project site; and

"(4) encourage teachers from all disciplines to participate in such teacher training programs.

"(d) FEDERAL SHARE.—

"(1) IN GENERAL.—Except as provided in paragraph (2) or (3) and for purposes of subsection (a), the term 'Federal share' means, with respect to the costs of teacher training programs authorized in subsection (a), 50 percent of such costs to the contractor.

"(2) WAIVER.—The Secretary may waive the provisions of paragraph (1) on a case-by-case basis if the National Advisory Board described in subsection (f) determines, on the basis of financial need, that such waiver is necessary.

"(3) MAXIMUM.—The Federal share of the costs of teacher training programs conducted pursuant to subsection (a) may not exceed $40,000 for any one contractor, or $200,000 for a

statewide program administered by any one contractor in at least five sites throughout the State.

"(e) CLASSROOM TEACHER GRANTS.—

"(1) IN GENERAL.—The National Writing Project may reserve an amount not to exceed 5 percent of the amount appropriated pursuant to the authority of this section to make grants, on a competitive basis, to elementary and secondary school teachers to pay the Federal share of the cost of enabling such teachers to—

"(A) conduct classroom research;

"(B) publish models of student writing;

"(C) conduct research regarding effective practices to improve the teaching of writing; and

"(D) conduct other activities to improve the teaching and uses of writing.

"(2) SUPPLEMENT AND NOT SUPPLANT.—Grants awarded pursuant to paragraph (1) shall be used to supplement and not supplant State and local funds available for the purposes set forth in paragraph (1).

"(3) MAXIMUM GRANT AMOUNT.—Each grant awarded pursuant to this subsection shall not exceed $2,000.

"(4) FEDERAL SHARE.—For the purpose of this subsection the term 'Federal share' means, with respect to the costs of activities assisted under this subsection, 50 percent of such costs to the elementary or secondary school teacher.

"(f) NATIONAL ADVISORY BOARD.—

"(1) ESTABLISHMENT.—The National Writing Project shall establish and operate a National Advisory Board.

"(2) COMPOSITION.—The National Advisory Board established pursuant to paragraph (1) shall consist of—

"(A) national educational leaders;

"(B) leaders in the field of writing; and

"(C) such other individuals as the National Writing Project deems necessary.

"(3) DUTIES.—The National Advisory Board established pursuant to paragraph (1) shall—

"(A) advise the National Writing Project on national issues related to student writing and the teaching of writing;

"(B) review the activities and programs of the National Writing Project; and

"(C) support the continued development of the National Writing Project.

"(g) EVALUATION.—

"(1) IN GENERAL.—The Secretary shall conduct an independent evaluation by grant or contract of the teacher training programs administered pursuant to this Act in accordance with section 14701. Such evaluation shall specify the amount of funds expended by the National Writing Project and each contractor receiving assistance under this section for administrative costs. The results of such evaluation shall be made available to the appropriate committees of the Congress.

"(2) FUNDING LIMITATION.—The Secretary shall reserve not more than $150,000 from the total amount appropriated pursuant to the authority of subsection (i) for fiscal year 1994 and the

four succeeding fiscal years to conduct the evaluation described in paragraph (1).

"(h) APPLICATION REVIEW.—

"(1) REVIEW BOARD.—The National Writing Project shall establish and operate a National Review Board that shall consist of—

"(A) leaders in the field of research in writing; and

"(B) such other individuals as the National Writing Project deems necessary.

"(2) DUTIES.—The National Review Board shall—

"(A) review all applications for assistance under this subsection; and

"(B) recommend applications for assistance under this subsection for funding by the national Writing Project.

"(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the grant to the National Writing Project, $4,000,000 for fiscal year 1995, and such sums as may be necessary for each of the four succeeding fiscal years, to carry out the provisions of this section.

"PART L—THE EXTENDED TIME FOR LEARNING AND LONGER SCHOOL YEAR

"SEC. 10993. THE EXTENDED TIME FOR LEARNING AND LONGER SCHOOL YEAR.

"(a) FINDINGS.—The Congress finds that—

"(1) the Commission on Time and Learning has found that—

"(A) realizing the third National Education Goal, that states all students will leave grades four, eight and twelve having demonstrated competency in challenging subject matter, including English, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography, will require considerably more common core learning time than most students now receive;

"(B) ensuring that all students learn to high standards will require flexibility and innovation in the use of common core learning time, as well as the rest of the time students spend both during and beyond the school day;

"(C) teachers need regular, sustained time for lesson development, collegial collaboration and other professional development;

"(D) schools, businesses, community-based organizations, tribal leaders, and other community agencies and members should work together to foster effective learning and enrichment programs and activities for students, including programs that operate outside of the regular school day or year;

"(E) for most students in the United States, the school year is 180 days long. In Japan students go to school 243 days per year, in Germany students go to school 240 days per year, in Austria students go to school 216 days per year, in Denmark students go to school 200 days per year,

and in Switzerland students go to school 195 days per year; and

"(F) in the final four years of schooling, students in schools in the United States are required to spend a total of 1,460 hours on core academic subjects, less than half of the 3,528 hours so required in Germany, the 3,280 hours so required in France, and the 3,170 hours so required in Japan;

"(2) increasing the amount and duration of intensive, engaging and challenging learning activities geared to high standards can increase student motivation and achievement;

"(3) the benefits of extending learning time, including common core instructional time, can be maximized by concurrent changes in curriculum and instruction, such as accelerated learning, and engaging, interactive instruction based on challenging content;

"(4) maximizing the benefit of increased common core and other learning time will require the collaboration and cooperation of teachers and administrators, students, parents, community members and organizations, businesses and others to develop strategies to meet the needs of students during and beyond the school day and year;

"(5) a competitive world economy requires that students in the United States receive education and training that is at least as rigorous and high-quality as the education and training received by students in competitor countries;

"(6) despite our Nation's transformation from a farm-based economy to one based on manufacturing and services, the school year is still based on the summer needs of an agrarian economy;

"(7) American students' lack of formal schooling is not counterbalanced with more homework. The opposite is true, as half of all European students report spending at least two hours on homework per day, compared to only 29 percent of American students. Twenty-two percent of American students watch five or more hours of television per day, while less than eight percent of European students watch that much television;

"(8) more than half of teachers surveyed in the United States cite 'children who are left on their own after school' as a major problem;

"(9) over the summer months, disadvantaged students not only fail to advance academically, but many forget much of what such students had learned during the previous school year;

"(10) funding constraints as well as the strong pull of tradition have made extending the school year difficult for most States and school districts; and

"(11) experiments with extended and multi-track school years have been associated with both increased learning and more efficient use of school facilities.

"(b) PURPOSES.—It is the purpose of this part to—

"(1) provide seed money to schools and local educational agencies to enable such agencies to devise and implement strategies and methods for upgrading the quality of, and extending,

challenging, engaging learning time geared to high standards for all students; and

"(2) allow the Secretary to provide financial incentives and assistance to States or local educational agencies to enable such States or agencies to substantially increase the amount of time that students spend participating in quality academic programs, and to promote flexibility in school scheduling.

"(c) PROGRAM AUTHORIZED.—

"(1) IN GENERAL.—The Secretary is authorized to award grants to local educational agencies having applications approved under subsection (d) to enable such agencies to carry out the authorized activities described in subsection (e) in public elementary and secondary schools.

"(2) AMOUNT.—The Secretary shall, to the extent practicable, provide an equitable distribution of grants under this section.

"(3) DURATION.—Each grant under subsection (a) shall be awarded for a period of not more than three years.

"(4) PRIORITY.—The Secretary shall give priority to awarding grants under this part to local educational agencies that serve schools with high percentages of students in poverty.

"(d) APPLICATION.—Each local educational agency desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each such application shall describe—

"(1) the activities for which assistance is sought;

"(2) any study or other information-gathering project for which funds will be used;

"(3) strategies and methods the applicant will use to enrich and extend learning time for all students and to maximize the percentage of common core learning time in the school day, such as block scheduling, team teaching, longer school days or years, and extending learning time through new distance-learning technologies;

"(4) the strategies and methods the applicant will use, including changes in curriculum and instruction, to challenge and engage students and to maximize the productiveness of common core learning time, as well as the total time students spend in school and in school-related enrichment activities;

"(5) the strategies and methods the applicant intends to employ to provide continuing financial support for the implementation of any extended school day or school year;

"(6) with respect to any application seeking assistance for activities described under subsection (e)(4), a description of any feasibility or other studies demonstrating the sustainability of a longer school year;

"(7) the extent of involvement of teachers and other school personnel in investigating, designing, implementing and sustaining the activities assisted under this part;

"(8) the process to be used for involving parents and other stakeholders in the development and implementation of the activities assisted under this part;

"(9) any cooperation or collaboration among public housing authorities, libraries, businesses, museums, community-based organizations, and other community groups and organizations to extend engaging, high-quality, standards-based learning time outside of the school day or year, at the school or at some other site;

"(10) the training and professional development activities that will be offered to teachers and others involved in the activities assisted under this part;

"(11) the goals and objectives of the activities assisted under this part, including a description of how such activities will assist all students to reach State standards;

"(12) the methods by which the applicant will assess progress in meeting such goals and objectives; and

"(13) how the applicant will use funds provided under this part in coordination with other funds provided under this Act or other Federal laws.

"(e) AUTHORIZED ACTIVITIES.—Funds under this section may be used—

"(1) to study the feasibility of, and effective methods for, extending learning time within or beyond the school day or year, including consultation with other schools or local educational agencies that have designed or implemented extended learning time programs;

"(2) to conduct outreach to and consult with community members, including parents, students, and other stakeholders, such as tribal leaders, to develop a plan to extend learning time within or beyond the school day or year;

"(3) to develop and implement an outreach strategy that will encourage collaboration with public housing authorities, libraries, businesses, museums, community-based organizations, and other community groups and organizations to coordinate challenging, high-quality educational activities outside of the school day or year;

"(4) to support public school improvement efforts that include expansion of time devoted to core academic subjects and the extension of the school year to 210 days;

"(5) to research, develop and implement strategies, including changes in curriculum and instruction, for maximizing the quality and percentage of common core learning time in the school day and extending learning time during or beyond the school day or year;

"(6) to provide professional development for school staff in innovative teaching methods that challenge and engage students, and also increase the productivity of extended learning time; and

"(7) to develop strategies to include parents, business representatives, and other community members in the extended time activities, especially as facilitators of activities that enable teachers to have more time for planning, individual student assistance, and professional development activities.

"(f) DEFINITIONS.—For the purpose of this section the term 'common core learning time' means high-quality, engaging instruction in

challenging content in each of the following core academic subjects described in the third National Education Goal:

"(1) English.

"(2) Mathematics.

"(3) Science.

"(4) Foreign languages.

"(5) Civics and government.

"(6) Economics.

"(7) Arts.

"(8) History.

"(9) Geography.

"(g) ADMINISTRATION.—

"(1) PEER REVIEW.—The Secretary shall award grants under this section pursuant to a peer review process.

"(2) DIVERSITY.—In awarding grants under this section the Secretary shall ensure that such grants are awarded to a diversity of local educational agencies, including such agencies that serve rural and urban areas.

"(h) APPROPRIATIONS AUTHORIZATION.—

"(1) IN GENERAL.—For the purpose of carrying out this section there are authorized to be appropriated $90,000,000 for fiscal year 1995 and such sums as may be necessary for each of the four succeeding fiscal years.

"(2) LIMITATION.—Not less than 80 percent of any amount appropriated under paragraph (1) shall be made available to applicants seeking to extend their school year to not fewer than 210 days.

"PART M—TERRITORIAL ASSISTANCE

"SEC. 10995. GENERAL ASSISTANCE FOR THE VIRGIN ISLANDS.

"There are authorized to be appropriated $5,000,000 for fiscal year 1995 and for each of the 4 succeeding fiscal years, for the purpose of providing general assistance to improve public education in the Virgin Islands.

"TITLE XI—COORDINATED SERVICES

"SEC. 11001. FINDINGS AND PURPOSE.

"(a) FINDINGS.—The Congress finds the following:

"(1) Growing numbers of children are negatively affected by influences outside of the classroom which increase such children's risk of academic failure.

"(2) Factors such as poor nutrition, unsafe living conditions, physical and sexual abuse, family and gang violence, inadequate health care, unemployment, lack of child care, and substance abuse, adversely affect family relationships and the ability of a child to learn.

"(3) Parents and other caregivers in today's high pressure society often face demands which place restraints on such parents' and caregivers' time and affect such parents' and caregivers' ability to adequately provide for the needs of the families of such parents and caregivers.

"(4) Access to health and social service programs can address the basic physical and emotional needs of children so that children can fully participate in the learning experiences offered children in school.

"(5) Services for at-risk students need to be more convenient, and less fragmented, regulated and duplicative, in order to meet the needs of children and their families.

"(6) School personnel, parents, and support service providers often lack knowledge of, and access to, available services for at-risk students and their families in the community, and have few resources to coordinate services and make services accessible.

"(7) Service providers, such as teachers, social workers, health care and child care providers, juvenile justice workers and others, are often trained in separate disciplines that provide little support for the coordination of services.

"(8) Coordination of services is more cost effective because such coordination substitutes prevention for expensive crisis intervention.

"(9) Coordinating health and social services with education can help the Nation meet the National Education Goals by ensuring better outcomes for children.

"(b) PURPOSE OF COORDINATING SERVICES.—The purpose of this title is to provide elementary and secondary school students and their families better access to the social, health and education services necessary for students to succeed in school and for their families to take an active role in ensuring that such students receive the best possible education.

"SEC. 11002. DEFINITIONS.

"For the purpose of this title—

"(1) the term 'coordinated services project' means a comprehensive approach to meeting the educational, health, social service, and other needs of children and their families, including foster children and their foster families, through a communitywide partnership that links public and private agencies providing such services or access to such services through a coordination site at or near a school; and

"(2) the term 'eligible entity' means a local educational agency, school, or a consortium of schools.

"SEC. 11003. AUTHORITY.

"In order to use funds made available under section 14206(b) for the development, or the implementation or expansion, of a coordinated service project an eligible entity shall have an application approved under subsection (b) or (c), respectively, of section 11004.

"SEC. 11004. PROJECT DEVELOPMENT AND IMPLEMENTATION.

"(a) APPLICATIONS.—Each eligible entity desiring to use funds made available under section 14206(b) shall submit an application to the Secretary at such time, in such manner and accompanied by such information as the Secretary may reasonably require.

"(b) PROJECT DEVELOPMENT PLAN.—The application for the development of the coordinated services project under this title shall cover a period of not more than 1 year and shall include a plan that—

"(1) demonstrates that an assessment will be performed of the economic, social, and health barriers to educational achievement experienced by children and families, including foster children and their foster families, in the community, and the local, State, Federal, and privately funded services available to meet such needs;

"(2) identifies the measures that will be taken to establish a communitywide partnership that links public and private agencies providing services to children and families; and

"(3) identifies any other measures that will be taken to develop a comprehensive plan for the implementation or expansion of a coordinated services project.

"(c) PROJECT IMPLEMENTATION OR EXPANSION PLAN.—The application for the implementation or expansion of a coordinated services project under this title shall contain a plan that includes—

"(1) the results of a children and families needs assessment, which shall include an assessment of the needs of foster children;

"(2) a description of the entities operating the coordinated services project;

"(3) a description of the proposed coordinated services project, the objectives of such project, where such project will be located, and the staff that will be used to carry out such project;

"(4) a description of how the success of the coordinated services project will be evaluated;

"(5) a description of the training to be provided to teachers and appropriate personnel;

"(6) information regarding whether a sliding scale fee for services will be employed, and if not, an explanation of why such scale is not feasible; and

"(7) when applicable, strategies to ensure that the health and welfare needs of migratory families are addressed.

"SEC. 11005. USES OF FUNDS.

"(a) USES.—

"(1) IN GENERAL.—Funds made available under section 14206(b) may be used for planning for, or the implementation or expansion of, activities which include—

"(A) hiring a services coordinator;

"(B) making minor renovations to existing buildings;

"(C) purchasing basic operating equipment;

"(D) improving communications and information-sharing among entities participating in the coordinated services project;

"(E) providing training to teachers and appropriate personnel concerning such teacher's and personnel's role in a coordinated services project; or

"(F) conducting the needs assessment required in section 11004(b)(1).

"(2) PROHIBITION.—Funds made available under section 14206(b) shall not be used for the direct provision of any health or health-related services.

"(b) FEDERAL FUNDS TO SUPPLEMENT, NOT SUPPLANT, NON-FEDERAL FUNDS.—An eligible entity shall use funds received under this title only to supplement the amount of funds that would, in the

absence of such Federal funds, be made available from non-Federal sources for coordinated services, and not to supplant such funds.

"SEC. 11006. CONTINUING AUTHORITY.

"The Secretary shall prohibit an eligible entity from using funds made available under section 14206(b) if the Secretary determines that the coordinated services project assisted under this title is not achieving effective coordination after two years of implementation of such project.

"SEC. 11007. FEDERAL AGENCY COORDINATION.

"(a) AGENCY COORDINATION.—The Secretaries of Education, Health and Human Services, Labor, Housing and Urban Development, Treasury, and Agriculture, and the Attorney General shall review the programs administered by their agencies to identify barriers to service coordination.

"(b) REPORT TO CONGRESS.—Such Secretaries and the Attorney General shall submit jointly a report to the Congress not later than two years after the date of the enactment of the Improving America's Schools Act of 1994, based on the review required under subsection (a) recommending legislative and regulatory action to address such barriers, and during the time preceding the submission of such report, shall use waiver authorities authorized under this and other Acts to address such barriers.

"TITLE XII—SCHOOL FACILITIES INFRASTRUCTURE IMPROVEMENT ACT

"SEC. 12001. SHORT TITLE.

"This title may be cited as the 'Education Infrastructure Act of 1994'.

"SEC. 12002. FINDINGS.

"The Congress finds the following:

"(1) According to a 1991 survey conducted by the American Association of School Administrators, 74 percent of all public school buildings in the United States need to be replaced.

"(2) Almost one-third of such buildings were built prior to World War II.

"(3) It is estimated that one of every four public school buildings in the United States is in inadequate condition, and of such buildings, 61 percent need maintenance or major repairs, 43 percent are obsolete, 42 percent contain environmental hazards, 25 percent are overcrowded, and 13 percent are structurally unsound.

"(4) Large numbers of local educational agencies have difficulties securing financing for school facility improvement, including school libraries, media centers, and facilities.

"(5) Improving the quality of public elementary and secondary schools will help our Nation meet the National Education Goals.

"(6) The challenges facing our Nation's public elementary and secondary schools require the concerted and collaborative efforts of all levels of government and all sectors of the community.

"SEC. 12003. PURPOSE.

"The purpose of this title is to help the Nation meet the National Education Goals through the provision of Federal funds to enable local educational agencies to meet the costs associated with the improvement of schools within their jurisdiction.

"SEC. 12004. IMPROVEMENT OF PUBLIC ELEMENTARY AND SECONDARY EDUCATION FACILITIES PROGRAM AUTHORIZED.

"(a) PROGRAM AUTHORITY.—

"(1) IN GENERAL.—From amounts appropriated under section 12013 for any fiscal year, the Secretary shall award grants to eligible local educational agencies with applications approved under section 12005 to carry out the authorized activities described in section 12007.

"(2) SPECIAL RULE.—The Secretary may reserve not more than 1 percent of the amount appropriated under section 12013 to provide assistance to Indian schools in accordance with this title.

"(b) AWARD CATEGORIES.—

"(1) IN GENERAL.—From the funds appropriated to carry out this title for each fiscal year, the Secretary shall award grants to eligible local educational agencies in each of the following categories:

"(A) Eligible local educational agencies in which the number of students enrolled is less than 2,500.

"(B) Such agencies in which such number is 2,500 or greater but less than 5,000.

"(C) Such agencies in which such number is 5,000 or greater but less than 10,000.

"(D) Such agencies in which such number is 10,000 or greater but less than 25,000.

"(E) Such agencies in which such number is 25,000 or greater but less than 50,000.

"(F) Such agencies in which such number is 50,000 or greater.

"(c) MAXIMUM AWARD AMOUNTS.—The Secretary shall annually set the maximum award amounts for each category described in subsection (b)(1).

"SEC. 12005. AWARD OF GRANTS.

"(a) CRITERIA.—The Secretary shall award grants under this title on the basis of—

"(1) high numbers or percentages of the total number of children aged 5 to 17, inclusive, residing in the geographic area served by an eligible local educational agency who are counted under subpart 2 of part A of title I;

"(2) the extent to which the eligible local educational agency lacks the fiscal capacity, including the ability to raise funds through the full use of such agency's bonding capacity and otherwise, to undertake the project without Federal assistance;

"(3) the threat the condition of the physical plant poses to the safety and well-being of students;

"(4) the demonstrated need for the construction, reconstruction, or renovation based on the condition of the facility;

"(5) the age of the facility to be renovated or replaced; and

"(6) such other criteria as the Secretary may prescribe by regulation.

"(b) ALLOCATION AMONG CATEGORIES.*—The Secretary shall allocate funds under this title among each of the categories described in paragraph (1) on such basis as the Secretary determines is appropriate, including—*

"(1) the relative numbers or percentages of students counted under subpart 2 of part A of title I; and

"(2) the relative costs of carrying out activities under this title in eligible local educational agencies in each such category.

"(c) FREQUENCY OF AWARDS.*—No local educational agency may receive more than one grant under this title in any five-year period.*

"(d) SPECIAL RULE.*—The Secretary shall only award grants under this title if the Secretary determines that sufficient funds will be provided under this title or from other sources, such as the issuance of bonds, or savings generated from performance contracting, to carry out the activities for which assistance is sought.*

"SEC. 12006. APPLICATIONS.

"(a) APPLICATIONS REQUIRED.*—Each eligible local educational agency desiring to receive a grant under this title shall submit an application to the Secretary.*

"(b) APPLICATION CONTENTS.*—Each application described in subsection (a) shall contain—*

"(1) an assurance that the application was developed in consultation with parents and classroom teachers;

"(2) a description of each architectural, civil, structural, mechanical, or electrical deficiency to be corrected with funds provided under this title, including the priority for the repair of the deficiency;

"(3) a description of the criteria used by the applicant to determine the type of corrective action necessary to meet the purpose of this title;

"(4) a description of the improvement to be supported with funds provided under this title;

"(5) a cost estimate of the proposed improvement;

"(6) an identification of other resources, such as unused bonding capacity, that are available to carry out the activities for which funds are requested under this title;

"(7) a description of how activities supported with funds provided under this title will promote energy conservation; and

"(8) such other information and assurances as the Secretary may reasonably require.

"SEC. 12007. AUTHORIZED ACTIVITIES.

"(a) IN GENERAL.*—Each eligible local educational agency receiving a grant under this title shall use the grant funds only to ensure the health and safety of students through the repair, renovation, alteration, and construction of a public elementary or secondary school library, media center, or facility, used for academic or vocational instruction.*

"(b) PARTICULAR ACTIVITIES.*—Subject to subsection (a), each eligible local educational agency receiving a grant under this title may use the grant funds to meet the requirements of section 504 of*

the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990.

"SEC. 12008. GENERAL PROVISIONS.

"(a) BUDGET AND ACCOUNTING.—In the performance of, and with respect to, the functions, powers, and duties under this title, the Secretary, notwithstanding the provisions of any other law, shall—

"(1) prepare annually and submit a budget program as provided for wholly owned Government corporations by chapter 91 of title 31, United States Code; and

"(2) maintain a set of accounts which shall be audited by the Comptroller General in accordance with the provisions of chapter 35 of title 31, United States Code, but such financial transactions of the Secretary, as the making of loans and vouchers approved by the Secretary, in connection with such financial transactions shall be final and conclusive upon all officers of the Government.

"(b) USE OF FUNDS.—Funds made available to the Secretary pursuant to the provisions of this title shall be deposited in a checking account or accounts with the Treasurer of the United States. Receipts and assets obtained or held by the Secretary in connection with the performance of functions under this title, and all funds available for carrying out the functions of the Secretary under this title (including appropriations therefor, which are hereby authorized), shall be available, in such amounts as may from year to year be authorized by the Congress, for the administrative expenses of the Secretary in connection with the performance of such functions.

"(c) LEGAL POWERS.—In the performance of, and with respect to, the functions, powers, and duties under this title, the Secretary, notwithstanding the provisions of any other law, may—

"(1) prescribe such rules and regulations as may be necessary to carry out the purposes of this title;

"(2) sue and be sued;

"(3) foreclose on any property or commence any action to protect or enforce any right conferred upon the Secretary by any law, contract, or other agreement, and bid for and purchase at any foreclosure or any other sale any property in connection with which the Secretary has made a loan pursuant to this part;

"(4) in the event of any such acquisition, notwithstanding any other provision of law relating to the acquisition, handling, or disposal of real property by the United States, complete, administer, remodel and convert, dispose of, lease, and otherwise deal with, such property, but any such acquisition of real property shall not deprive any State or political subdivision of such State civil or criminal jurisdiction in and over such property or impair the civil rights under the State or local laws of the inhabitants on such property;

"(5) sell or exchange at public or private sale, or lease, real or personal property, and sell or exchange any securities or obligations, upon such terms as the Secretary may fix;

"(6) obtain insurance against loss in connection with property and other assets held; and

"(7) include in any contract or instrument made pursuant to this title such other covenants, conditions, or provisions as may be necessary to assure that the purposes of this title will be achieved.

"(d) CONTRACTS FOR SUPPLIES OR SERVICES.—Section 3709 of the Revised Statutes shall not apply to any contract for services or supplies on account of any property acquired pursuant to this subtitle if the amount of such contract does not exceed $1,000.

"(e) APPLICABILITY OF GOVERNMENT CORPORATION CONTROL ACT.—The provisions of section 9107(a) of title 31, United States Code, which are applicable to corporations or agencies subject to chapter 91 of such title, shall also be applicable to the activities of the Secretary under this title.

"SEC. 12009. FAIR WAGES.

"All laborers and mechanics employed by contractors or subcontractors in the performance of any contract and subcontract for the repair, renovation, alteration, or construction, including painting and decorating, of any building or work that is financed in whole or in part by a grant under this title, shall be paid wages not less than those determined by the Secretary of Labor in accordance with the Act of March 3, 1931 (commonly known as the Davis-Bacon Act); as amended (40 U.S.C. 276a–276a–5). The Secretary of Labor shall have the authority and functions set forth in reorganization plan of No. 14 of 1950 (15 FR 3176; 64 Stat. 1267) and section 2 of the Act of June 1, 1934 (commonly known as the Copeland Anti-Kickback Act) as amended (40 U.S.C. 276c, 48 Stat. 948).

"SEC. 12010. REQUIREMENTS.

"(a) SPECIAL RULES.—

"(1) MAINTENANCE OF EFFORT.—An eligible local educational agency may receive a grant under this title for any fiscal year only if the Secretary finds that either the combined fiscal effort per student or the aggregate expenditures of that agency and the State with respect to the provision of free public education by such local educational agency for the preceding fiscal year was not less than 90 percent of such combined fiscal effort or aggregate expenditures for the fiscal year for which the determination is made.

"(2) SUPPLEMENT NOT SUPPLANT.—An eligible local educational agency shall use funds received under this title only to supplement the amount of funds that would, in the absence of such Federal funds, be made available from non-Federal sources for the repair, renovation, alteration, and construction of school facilities used for educational purposes, and not to supplant such funds.

"(b) GENERAL LIMITATIONS.—

"(1) REAL PROPERTY.—No part of any grant funds under this title shall be used for the acquisition of any interest in real property.

"(2) MAINTENANCE.—Nothing in this title shall be construed to authorize the payment of maintenance costs in connection with any projects constructed in whole or in part with Federal funds provided under this title.

"(3) ENVIRONMENTAL SAFEGUARDS.—All projects carried out with Federal funds provided under this title shall comply with all relevant Federal, State, and local environmental laws and regulations.

"(4) ATHLETIC AND SIMILAR FACILITIES.—No funds received under this title shall be used for stadiums or other facilities that are primarily used for athletic contests or exhibitions or other events for which admission is charged to the general public.

"SEC. 12011. FEDERAL ASSESSMENT.

"The Secretary shall reserve not more than 1 percent of funds appropriated for each fiscal year under section 15013—

"(1) to collect such data as the Secretary determines necessary at the school, local, and State levels; and

"(2) to conduct studies and evaluations, including national studies and evaluations, in order to—

"(A) monitor the progress of projects supported with funds provided under this title; and

"(B) evaluate the state of United States public elementary and secondary school libraries, media centers, and facilities; and

"(3) to report to the Congress by July 1, 1997, regarding the findings of the studies and evaluations described in paragraph (2).

"SEC. 12012. DEFINITIONS.

"For the purpose of this title—

"(1) the term 'construction' means the alteration or renovation of a building, structure, or facility, including—

"(A) the concurrent installation of equipment; and

"(B) the complete or partial replacement of an existing facility, but only if such replacement is less expensive and more cost-effective than alteration, renovation, or repair of the facility;

"(2) the term 'school' means a public structure suitable for use as a classroom, laboratory, library, media center, or related facility, the primary purpose of which is the instruction of public elementary and secondary school students.

"(3) the term 'eligible local education agency' means a local educational agency in which—

"(A) not less than 15 percent of the children that reside in the geographic area served by such agency are eligible to be counted under subpart 2 of part A of title I of this Act; or

"(B) the United States owns Federal property described in section 8015(5), that has an assessed value (determined as of the time or times when acquired) aggregating 90 percent or more of the assessed value of all real property in such agency (determined as of the time or times when so acquired); and

"(C) demonstrates in the application submitted under section 12006 that such agency has urgent repair, renovation, alteration and construction needs for its public elementary or secondary schools used for academic or vocational instruction.

"SEC. 12013. AUTHORIZATION.

"There are authorized to be appropriated to carry out this title $200,000,000 for fiscal year 1995 and such sums as may be necessary for each of the four succeeding fiscal years.

"TITLE XIII—SUPPORT AND ASSISTANCE PROGRAMS TO IMPROVE EDUCATION

"SEC. 13001. FINDINGS.

"The Congress finds that—

"(1) high-quality technical assistance can enhance the improvements in teaching and learning achieved through the implementation of programs under this Act;

"(2) comprehensive technical assistance and effective program dissemination are essential ingredients of the overall strategy of the Improving America's Schools Act of 1994 to improve programs and provide all children opportunities to meet challenging State content standards and challenging State student performance standards;

"(3) States, local educational agencies, tribes, and schools serving students with special needs, such as students with limited-English proficiency and students with disabilities, have great need for comprehensive technical assistance in order to use funds under this Act to provide such students with opportunities to learn challenging State content standards and challenging State student performance standards;

"(4) current technical assistance and dissemination efforts are fragmented and categorical in nature, and thus fail to address adequately the needs of States, local educational agencies and tribes for help in integrating into a coherent strategy for improving teaching and learning the various programs under this Act with State and local programs and other education reform efforts;

"(5) too little creative use is made of technology as a means of providing information and assistance in a cost-effective way;

"(6) comprehensive technical assistance can help schools and school systems focus on improving opportunities for all children to meet challenging State content standards and challenging State student performance standards, as such schools and systems implement programs under this Act;

"(7) comprehensive technical assistance will provide coordinated assistance to help States, local educational agencies, tribes, participating colleges and universities, and schools integrate Federal, State, and local education programs in ways that contribute to improving schools and entire school systems;

"(8) technical assistance in support of programs under this Act should be coordinated with the Department's regional offices, the regional educational laboratories, State Literacy Resource Centers, vocational resource centers, and other technical assistance efforts supported by the Department; and

"(9) technical assistance providers should prioritize assistance for local educational agencies and schools.

"SEC. 13002. PURPOSE.

"The purpose of this title is to create a national technical assistance and dissemination system to make available to States, local educational agencies, tribes, schools, and other recipients of funds under this Act technical assistance in—

"(1) administering and implementing programs under this Act;

"(2) implementing school reform programs in a manner that improves teaching and learning for all students;

"(3) coordinating such programs with other Federal, State, and local education plans and activities, so that all students, particularly students at risk of educational failure, are provided opportunities to meet challenging State content standards and challenging State student performance standards; and

"(4) adopting, adapting, and implementing promising and proven practices for improving teaching and learning.

"PART A—COMPREHENSIVE REGIONAL ASSISTANCE CENTERS

"SEC. 13101. PROGRAM AUTHORIZED.

"(a) COMPREHENSIVE REGIONAL ASSISTANCE CENTERS.—

"(1) IN GENERAL.—The Secretary is authorized to award grants to, or enter into contracts or cooperative agreements with, public or private nonprofit entities or consortia of such entities in order to establish a networked system of 15 comprehensive regional assistance centers to provide comprehensive training and technical assistance, related to administration and implementation of programs under this Act, to States, local educational agencies, schools, tribes, community-based organizations, and other recipients of funds under this Act.

"(2) CONSIDERATION.—In establishing comprehensive regional assistance centers and allocating resources among the centers, the Secretary shall consider—

"(A) the geographic distribution of students assisted under title I;

"(B) the geographic and linguistic distribution of students of limited-English proficiency;

"(C) the geographic distribution of Indian students;

"(D) the special needs of students living in urban and rural areas; and

"(E) the special needs of States and outlying areas in geographic isolation.

"(3) SPECIAL RULE.—The Secretary shall establish 1 comprehensive regional assistance center under this section in Hawaii.

"(b) SERVICE TO INDIANS AND ALASKA NATIVES.—The Secretary shall ensure that each comprehensive regional assistance center that serves a region with a significant population of Indian or Alaska Native students shall—

"(1) be awarded to a consortium which includes a tribally controlled community college or other Indian organization; and

"(2) assist in the development and implementation of instructional strategies, methods and materials which address the specific cultural and other needs of Indian or Alaska Native students.

"(c) ACCOUNTABILITY.—To ensure the quality and effectiveness of the networked system of comprehensive regional assistance centers supported under this part, the Secretary shall—

"(1) develop, in consultation with the Assistant Secretary for Elementary and Secondary Education, the Director of Bilingual Education and Minority Languages Affairs, and the Assistant Secretary for Educational Research and Improvement, a set of performance indicators that assesses whether the work of the centers assists in improving teaching and learning under this Act for all children, particularly children at risk of educational failure;

"(2) conduct surveys every two years of populations to be served under this Act to determine if such populations are satisfied with the access to and quality of such services;

"(3) collect, as part of the Department's reviews of programs under this Act, information about the availability and quality of services provided by the centers, and share that information with the centers; and

"(4) take whatever steps are reasonable and necessary to ensure that each center performs its responsibilities in a satisfactory manner, which may include—

"(A) termination of an award under this part (if the Secretary concludes that performance has been unsatisfactory) and the selection of a new center; and

"(B) whatever interim arrangements the Secretary determines are necessary to ensure the satisfactory delivery of services under this part to an affected region.

"(d) DURATION.—Grants, contracts or cooperative agreements under this section shall be awarded for a period of 5 years.

"SEC. 13102. REQUIREMENTS OF COMPREHENSIVE REGIONAL ASSISTANCE CENTERS.

"(a) IN GENERAL.—Each comprehensive regional assistance center established under section 13101(a) shall—

"(1) maintain appropriate staff expertise and provide support, training, and assistance to State educational agencies, tribal divisions of education, local educational agencies, schools, and other grant recipients under this Act, in—

"(A) improving the quality of instruction, curricula, assessments, and other aspects of school reform, supported with funds under title I;

"(B) implementing effective schoolwide programs under section 1114;

"(C) meeting the needs of children served under this Act, including children in high-poverty areas, migratory

children, immigrant children, children with limited-English proficiency, neglected or delinquent children, homeless children and youth, Indian children, children with disabilities, and, where applicable, Alaska Native children and Native Hawaiian children;

"(D) implementing high-quality professional development activities for teachers, and where appropriate, administrators, pupil services personnel and other staff;

"(E) improving the quality of bilingual education, including programs that emphasize English and native language proficiency and promote multicultural understanding;

"(F) creating safe and drug-free environments, especially in areas experiencing high levels of drug use and violence in the community and school;

"(G) implementing educational applications of technology;

"(H) coordinating services and programs to meet the needs of students so that students can fully participate in the educational program of the school;

"(I) expanding the involvement and participation of parents in the education of their children;

"(J) reforming schools, school systems, and the governance and management of schools;

"(K) evaluating programs; and

"(L) meeting the special needs of students living in urban and rural areas and the special needs of local educational agencies serving urban and rural areas;

"(2) ensure that technical assistance staff have sufficient training, knowledge, and expertise in how to integrate and coordinate programs under this Act with each other, as well as with other Federal, State, and local programs and reforms;

"(3) provide technical assistance using the highest quality and most cost-effective strategies possible;

"(4) coordinate services, work cooperatively, and regularly share information with, the regional educational laboratories, the Eisenhower regional consortia under part C, research and development centers, State literacy centers authorized under the National Literacy Act of 1991, and other entities engaged in research, development, dissemination, and technical assistance activities which are supported by the Department as part of a Federal technical assistance system, to provide a broad range of support services to schools in the region while minimizing the duplication of such services;

"(5) work collaboratively with the Department's regional offices;

"(6) consult with representatives of State educational agencies, local educational agencies, and populations served under this Act;

"(7) provide services to States, local educational agencies, tribes, and schools, in coordination with the National Diffusion Network State Facilitators activities under section 13201, in order to better implement the purposes of this part and provide

the support and assistance diffusion agents need to carry out such agents' mission effectively; and

"(8) provide professional development services to State educational agencies, local educational agencies, and the National Diffusion Network State Facilitators to increase the capacity of such entities to provide high-quality technical assistance in support of programs under this Act.

"(b) PRIORITY.—Each comprehensive regional assistance center assisted under this part shall give priority to servicing—

"(1) schoolwide programs under section 1114; and

"(2) local educational agencies and Bureau-funded schools with the highest percentages or numbers of children in poverty.

"SEC. 13103. MAINTENANCE OF SERVICE AND APPLICATION REQUIREMENTS.

"(a) MAINTENANCE OF SERVICE.—The Secretary shall ensure that the comprehensive regional assistance centers funded under this part provide technical assistance services that address the needs of educationally disadvantaged students, including students in urban and rural areas, and bilingual, migrant, immigrant, and Indian students, that are at least comparable to the level of such technical assistance services provided under programs administered by the Secretary on the day preceding the date of enactment of the Improving America's Schools Act of 1994.

"(b) APPLICATION REQUIREMENTS.—Each entity or consortium desiring assistance under this part shall submit an application to the Secretary at such time, in such manner and accompanied by such information, as the Secretary may require. Each such application shall—

"(1) demonstrate how the comprehensive regional assistance center will provide expertise and services in the areas described in section 13102;

"(2) demonstrate how such centers will work with the National Diffusion Network under section 13201 to conduct outreach to local educational agencies receiving priority under section 13401;

"(3) demonstrate support from States, local educational agencies and tribes in the area to be served;

"(4) demonstrate how such centers will ensure a fair distribution of services to urban and rural areas; and

"(5) provide such other information as the Secretary may require.

"SEC. 13104. TRANSITION.

"(a) IN GENERAL.—The Secretary shall use funds appropriated to carry out this part for fiscal years 1995 and 1996 in order to ensure an orderly transition and phase in of the comprehensive regional assistance centers assisted under this part.

"(b) EXTENSION OF PREVIOUS CENTERS.—

"(1) IN GENERAL.—The Secretary shall, notwithstanding any other provision of law, use funds appropriated under section 13105 to extend or continue contracts and grants for existing categorical technical assistance centers assisted under this Act (as such Act was in effect on the day preceding the date of enactment of the Improving America's Schools Act of 1994)

through fiscal year 1996, and take other necessary steps to ensure a smooth transition of services provided under this part and that such services will not be interrupted, curtailed, or substantially diminished.

"(2) STAFF EXPERTISE.—In planning for the competition for the new comprehensive regional assistance centers under this part, the Secretary may draw on the expertise of staff from existing categorical assistance centers assisted under this Act prior to date of enactment of the Improving America's Schools Act of 1994.

"SEC. 13105. AUTHORIZATION OF APPROPRIATIONS.

"For the purpose of carrying out this part, there are authorized to be appropriated $70,000,000 for fiscal year 1995 and such sums as may be necessary for each of the four succeeding fiscal years.

"PART B—NATIONAL DIFFUSION NETWORK

"SEC. 13201. PROGRAM AUTHORIZED.

"(a) AUTHORITY.—

"(1) IN GENERAL.—In order to implement the purposes of this title, the Secretary is authorized to establish the National Diffusion Network (hereafter referred to in this Act as 'NDN') to carry out a State-based outreach, consultation, training, and dissemination program.

"(2) PROGRAM REQUIREMENTS.—In carrying out the program under this part, the Secretary shall award grants and contracts to National Diffusion Network State Facilitators in each State and outlying area, and to the Bureau of Indian Affairs, in order to assist State and local educational agencies, schools, and other appropriate educational entities—

"(A) to identify and secure appropriate, high-quality technical assistance from the comprehensive regional assistance centers under part A and other sources; and

"(B) to identify and implement exemplary or promising educational programs and practices.

"(b) ELIGIBLE ENTITIES.—The Secretary shall award grants and contracts under this section to public or private nonprofit organizations or institutions with demonstrated expertise in the areas of applied education research and program dissemination.

"(c) ADMINISTRATION.—The program under this part shall be administered through the Office of Reform Assistance and Dissemination established under section 941(b) of the Educational Research, Development, Dissemination, and Improvement Act of 1994.

"(d) COORDINATION.—The National Diffusion Network State Facilitators shall work in close cooperation, and coordinate their activities, with the comprehensive regional assistance centers established under part A.

"(e) STATE FACILITATOR ACTIVITIES.—The National Diffusion Network State Facilitators shall provide professional development and technical assistance services to assist State educational agencies, local educational agencies, tribal divisions of education, schools, family and adult literacy programs, and other entities assisted under this Act, in—

"(1) defining such entities' technical assistance needs and aligning such needs with school reform under title I, professional development, and technology plans;

"(2) securing the technical assistance and professional development services that can best fulfill such needs by utilizing the services of the comprehensive regional assistance centers, the regional education laboratories, the Eisenhower regional consortia, State Literacy Resource Centers authorized under the National Literacy Act of 1991 and other technical assistance providers, including local providers of professional development services;

"(3) identifying educational technology needs and securing the necessary technical assistance to address such needs in coordination with the Eisenhower regional consortia under part C and the regional technical assistance and professional development consortia under subpart 3 of title III; and

"(4) utilizing technology, including regional and national electronic networks, to increase such entities' access to technical assistance, professional development services, and dissemination of effective programs and promising practices.

"(f) ADDITIONAL DUTIES.—In addition, National Diffusion Network State Facilitators shall—

"(1) disseminate information about school reform and effective and promising practices, and help local educational agencies and schools adapt such reform and practices to such agencies' needs;

"(2) identify educational programs and practices for possible dissemination throughout the State and Nation;

"(3) promote and facilitate teacher networks throughout the State;

"(4) develop and implement an aggressive outreach plan for reaching the local educational agencies and schools receiving priority under section 13401; and

"(5) provide such other outreach, coordination, and dissemination services as may be necessary to achieve the purposes of this title.

"(g) NATIONAL DIFFUSION NETWORK EFFECTIVE PROGRAMS AND PROMISING PRACTICES SYSTEM.—

"(1) IN GENERAL.—The Secretary shall develop a system of validating effective programs and promising practices for dissemination through the National Diffusion Network. Such system may include exemplary programs funded through any office of the Department, the National Science Foundation, or other Federal agencies and shall be coordinated, aligned with, and administered by, the Office of Reform Assistance and Dissemination established under section 941(b) of the Educational Research, Development, Dissemination, and Improvement Act of 1994.

"(2) PRIORITY.—The Secretary shall give priority to identifying, validating, and disseminating effective schoolwide projects, programs addressing the needs of high poverty schools, and programs with the capacity to offer high-quality, sustained technical assistance. The Office of Educational Research and Improvement Office of Reform Assistance and Dissemination shall

also administer a grant program for the purpose of dissemination and the provision of technical assistance regarding such system.

"(3) PRIORITY OF SERVICES.—The National Diffusion Network State Facilitators shall give priority in providing the services described in this section to—

"(A) schoolwide program under section 1114; and

"(B) local educational agencies and Bureau-funded schools with the highest percentages or numbers of children in poverty.

"SEC. 13202. AUTHORIZATION OF APPROPRIATIONS.

"For the purpose of carrying out this part, there are authorized to be appropriated $25,000,000 for fiscal year 1995 and such sums as may be necessary for each of the four succeeding fiscal years.

"PART C—EISENHOWER REGIONAL MATHEMATICS AND SCIENCE EDUCATION CONSORTIA

"SEC. 13301. PROGRAM ESTABLISHED.

"(a) IN GENERAL.—

"(1) GRANTS AUTHORIZED.—The Secretary, in consultation with the Director of the National Science Foundation, is authorized to award grants or contracts to eligible entities to enable such entities to establish and operate regional mathematics and science education consortia for the purpose of—

"(A) disseminating exemplary mathematics and science education instructional materials; and

"(B) providing technical assistance for the implementation of teaching methods and assessment tools for use by elementary and secondary school students, teachers and administrators.

"(2) NUMBER.—The Secretary, in accordance with the provisions of this section, shall award at least one grant or contract to an eligible entity in each region.

"(3) SPECIAL RULE.—In any fiscal year, if the amount made available pursuant to section 13308 is less than $4,500,000, then the Secretary may waive the provisions of paragraph (2) and award grants or contracts of sufficient size, scope, and quality to carry out this section.

"(4) DESIGNATION.—Each regional consortium assisted under this section shall be known as an 'Eisenhower regional consortium'.

"(b) GRANT TERM AND REVIEW.—Grants or contracts under this part shall be awarded for a period of not more than five years and shall be reviewed before the end of the 30-month period beginning on the date the grant or contract is awarded. Grants or contracts under this part shall be awarded before the end of the 12-month period beginning on the date of the enactment of an Act making appropriations to carry out this part.

"(c) AMOUNT.—In awarding grants or contracts under this part, the Secretary shall ensure that there is a relatively equal distribution of the funds made available among the regions, except that the

Secretary may award additional funds to a regional consortium on the basis of population and geographical conditions of the region being served.

"SEC. 13302. USE OF FUNDS.

"Funds provided under this part may be used by a regional consortium, under the direction of a regional board established under section 13304, to—

"(1) work cooperatively with the other regional consortia, the Eisenhower National Clearinghouse for Science and Mathematics Education established under section 2102(b) and federally-funded technical assistance providers to more effectively accomplish the activities described in this section;

"(2) assist, train and provide technical assistance to classroom teachers, administrators, and other educators to identify, implement, assess or adapt the instructional materials, teaching methods and assessment tools described in section 13301(a)(1);

"(3) provide for the training of classroom teachers to enable such teachers to instruct other teachers, administrators, and educators in the use of the instructional materials, teaching methods and assessment tools described in section 13301(a)(1) in the classroom;

"(4) when necessary, provide financial assistance to enable teachers and other educators to attend and participate in the activities of the regional consortium;

"(5) implement programs and activities designed to meet the needs of groups that are underrepresented in, and underserved by, mathematics and science education;

"(6) assist State and local educational agencies in identifying science equipment needs and help such agencies or consortia thereof assess the need for and desirability of regional mathematics and science academies;

"(7) develop and disseminate early childhood education mathematics and science instructional materials;

"(8) disseminate information regarding informal mathematics and science education activities and programs offered by Federal agencies and private or public agencies and institutions within the region;

"(9) collect data on activities assisted under this part in order to evaluate the effectiveness of the activities of the regional consortia;

"(10) identify exemplary teaching practices and materials from within the region and communicate such practices and materials to the Eisenhower National Clearinghouse for Mathematics and Science Education;

"(11) communicate, on a regular basis, with entities within the region who are delivering services to students and teachers of mathematics and science;

"(12) assist in the development and evaluation of State and regional plans and activities that hold promise of bringing about systemic reform in student performance in mathematics and science; and

"(13) increase the use of informal education entities (such as science technology centers, museums, libraries, Saturday

academies, and 4H programs) for educational purposes to expand student knowledge and understanding.

"SEC. 13303. APPLICATION AND REVIEW.

"(a) IN GENERAL.—Each eligible entity desiring a grant or contract under this part shall submit an application to the Secretary at such time, in such manner, and accompanied by such additional information as the Secretary may reasonably require. Each such application shall—

"(1) demonstrate that the eligible entity has demonstrated expertise in the fields of mathematics and science education;

"(2) demonstrate that the eligible entity shall implement and disseminate mathematics and science education instructional materials, teaching methods, and assessment tools through a consortium of the region's mathematics and science education organizations and agencies;

"(3) demonstrate that the eligible entity shall carry out the functions of the regional consortium;

"(4) demonstrate that emphasis will be given to programs and activities designed to meet the needs of groups that are underrepresented in, and underserved by, mathematics and science education;

"(5) demonstrate that the business community in the region served by the regional consortium will play an integral role in designing and supporting the regional consortium's work;

"(6) demonstrate that the eligible entity will consider the resources of telecommunications partnerships assisted under the Star Schools Program Assistance Act (as such Act was in effect on the day preceding the date of enactment of the Improving America's Schools Act of 1994) in carrying out the provisions of this part, where appropriate; and

"(7) assure that the entity will conduct its activities and supervise its personnel in a manner that effectively ensures compliance with the copyright laws of the United States under title 17, United States Code.

"(b) APPROVAL OF APPLICATION.—

"(1) IN GENERAL.—The Secretary shall approve or disapprove applications submitted pursuant to subsection (a) in accordance with the criteria and procedures established under paragraph (2).

"(2) PROCEDURES AND CRITERIA.—The Secretary shall develop procedures and criteria designed to ensure that grants or contracts are competitively awarded on the basis of merit determined under a peer review process.

"(3) NATIONAL PANEL.—(A) The Secretary, in consultation with the Director, shall establish a national panel, or to the extent necessary, panels, to submit to the Secretary recommendations for awards of grants or contracts under this part. The Secretary shall appoint the members of such panel or panels.

"(B) Each panel appointed under subparagraph (A) shall include participation, to the extent feasible, from each region.

"SEC. 13304. REGIONAL BOARDS.

"(a) IN GENERAL.—Each eligible entity receiving a grant or contract under this part shall establish a regional board to oversee the

administration and establishment of program priorities for the regional consortium established by such eligible entity. Such regional board shall be broadly representative of the agencies and organizations participating in the regional consortium.

"(b) PROHIBITION ON USE OF FEDERAL FUNDS.—No Federal funds may be used for the establishment or operation of a regional board required by subsection (a), except that at the discretion of a regional board, Federal funds may be used to provide assistance such as travel and accommodations for board members who could not otherwise afford to participate as members of the board.

"SEC. 13305. PAYMENTS; FEDERAL SHARE; NON-FEDERAL SHARE.

"(a) PAYMENTS.—The Secretary shall pay to each eligible entity having an application approved under section 13303 the Federal share of the cost of the activities described in the application.

"(b) FEDERAL SHARE.—For the purpose of subsection (a), the Federal share shall be 80 percent.

"(c) NON-FEDERAL SHARE.—The non-Federal share of the cost of activities described in the application submitted under section 13303 may be in cash or in kind, fairly evaluated. At least 10 percent of such non-Federal share shall be from sources other than the Federal Government, or State or local government.

"SEC. 13306. EVALUATION.

"(a) EVALUATION REQUIRED.—The Secretary, through the Office of Educational Research and Improvement and in accordance with section 14701, shall collect sufficient data on, and evaluate the effectiveness of, the activities of each regional consortium.

"(b) ASSESSMENT.—The evaluations described in paragraph (1) shall include an assessment of the effectiveness of the regional consortium in meeting the needs of the schools, teachers, administrators and students in the region.

"(c) REPORT.—At the end of each grant or contract period, the Secretary shall submit to the Congress a report on the effectiveness of the programs conducted at each regional consortium.

"SEC. 13307. DEFINITIONS.

"For purposes of this part:

"(1) The term 'eligible entity' means—

"(A) a private nonprofit organization of demonstrated effectiveness;

"(B) an institution of higher education;

"(C) an elementary or secondary school;

"(D) a State or local educational agency;

"(E) a regional educational laboratory in consortium with the research and development center established under section 931(c)(1)(B)(i) of the Educational Research, Development, Dissemination, and Improvement Act of 1994; or

"(F) any combination of the entities described in subparagraphs (A) through (E),

with demonstrated expertise in mathematics and science education.

"(2) The terms 'mathematics' and 'science' include the technology education associated with mathematics and science, respectively.

"(3) The term 'region' means a region of the United States served by a regional education laboratory that is supported by the Secretary pursuant to section 405(d)(4)(A)(i) of the General Education Provisions Act (as such section was in existence on the day preceding the date of enactment of the Goals 2000: Educate America Act).

"(4) The term 'regional consortium' means each regional mathematics and science education consortium established pursuant to section 13301.

"(5) The term 'State agency for higher education' means the State board of higher education or other agency or officer primarily responsible for the State supervision of higher education, or, if there is no such officer or agency, an officer or agency designated for the purpose of carrying out this part by the Governor or by State law.

"SEC. 13308. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated $23,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this part.

"PART D—TECHNOLOGY-BASED TECHNICAL ASSISTANCE

"SEC. 13401. TECHNOLOGY-BASED TECHNICAL ASSISTANCE.

"The Secretary is authorized to provide a technology-based technical assistance service that will—

"(1) support the administration and implementation of programs under this Act by providing information, including legal and regulatory information, and technical guidance and information, about best practices; and

"(2) be accessible to all States, local educational agencies, schools, community-based organizations and others who are recipients of funds under this Act.

"TITLE XIV—GENERAL PROVISIONS

"PART A—DEFINITIONS

"SEC. 14101. DEFINITIONS.

"Except as otherwise provided, for the purposes of this Act, the following terms have the following meanings:

"(1) AVERAGE DAILY ATTENDANCE.—(A) Except as provided otherwise by State law or this paragraph, the term 'average daily attendance' means—

"(i) the aggregate number of days of attendance of all students during a school year; divided by

"(ii) the number of days school is in session during such school year.

"(B) The Secretary shall permit the conversion of average daily membership (or other similar data) to average daily attendance for local educational agencies in States that provide

State aid to local educational agencies on the basis of average daily membership or such other data.

"(C) If the local educational agency in which a child resides makes a tuition or other payment for the free public education of the child in a school located in another school district, the Secretary shall, for purposes of this Act—

"(i) consider the child to be in attendance at a school of the agency making such payment; and

"(ii) not consider the child to be in attendance at a school of the agency receiving such payment.

"(D) If a local educational agency makes a tuition payment to a private school or to a public school of another local educational agency for a child with disabilities, as defined in section 602(a)(1) of the Individuals with Disabilities Education Act, the Secretary shall, for the purposes of this Act, consider such child to be in attendance at a school of the agency making such payment.

"(2) AVERAGE PER-PUPIL EXPENDITURE.—The term 'average per-pupil expenditure' means, in the case of a State or of the United States—

"(A) without regard to the source of funds—

"(i) the aggregate current expenditures, during the third fiscal year preceding the fiscal year for which the determination is made (or, if satisfactory data for that year are not available, during the most recent preceding fiscal year for which satisfactory data are available) of all local educational agencies in the State or, in the case of the United States for all States (which, for the purpose of this paragraph, means the 50 States and the District of Columbia); plus

"(ii) any direct current expenditures by the State for the operation of such agencies; divided by

"(B) the aggregate number of children in average daily attendance to whom such agencies provided free public education during such preceding year.

"(3) CHILD.—The term 'child' means any person within the age limits for which the State provides free public education.

"(4) COMMUNITY-BASED ORGANIZATION.—The term 'community-based organization' means a public or private nonprofit organization of demonstrated effectiveness that—

"(A) is representative of a community or significant segments of a community; and

"(B) provides educational or related services to individuals in the community.

"(5) CONSOLIDATED LOCAL APPLICATION.—The term 'consolidated local application' means an application submitted by a local educational agency pursuant to section 14302.

"(6) CONSOLIDATED LOCAL PLAN.—The term 'consolidated local plan' means a plan submitted by a local educational agency pursuant to section 14302.

"(7) CONSOLIDATED STATE APPLICATION.—The term 'consolidated State application' means an application submitted by a State educational agency pursuant to section 14302.

"(8) CONSOLIDATED STATE PLAN.—The term 'consolidated State plan' means a plan submitted by a State educational agency pursuant to section 14302.

"(9) COUNTY.—The term 'county' means one of the divisions of a State used by the Secretary of Commerce in compiling and reporting data regarding counties.

"(10) COVERED PROGRAM.—The term 'covered program' means each of the programs authorized by—

"(A) part A of title I;

"(B) part C of title I;

"(C) title II (other than section 2103 and part C);

"(D) subpart 2 of part A of title III;

"(E) part A of title IV (other than section 4114); and

"(F) title VI.

"(11) The term 'current expenditures' means expenditures for free public education—

"(A) including expenditures for administration, instruction, attendance and health services, pupil transportation services, operation and maintenance of plant, fixed charges, and net expenditures to cover deficits for food services and student body activities; but

"(B) not including expenditures for community services, capital outlay, and debt service, or any expenditures made from funds received under title I and title VI.

"(12) DEPARTMENT.—The term 'Department' means the Department of Education.

"(13) EDUCATIONAL SERVICE AGENCY.—The term 'educational service agency' means a regional public multiservice agency authorized by State statute to develop, manage, and provide services or programs to local educational agencies.

"(14) ELEMENTARY SCHOOL.—The term 'elementary school' means a nonprofit institutional day or residential school that provides elementary education, as determined under State law.

"(15) FREE PUBLIC EDUCATION.—The term 'free public education' means education that is provided—

"(A) at public expense, under public supervision and direction, and without tuition charge; and

"(B) as elementary or secondary school education as determined under applicable State law, except that such term does not include any education provided beyond grade 12.

"(16) GIFTED AND TALENTED.—The term 'gifted and talented', when used with respect to students, children or youth, means students, children or youth who give evidence of high performance capability in areas such as intellectual, creative, artistic, or leadership capacity, or in specific academic fields, and who require services or activities not ordinarily provided by the school in order to fully develop such capabilities.

"(17) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given that term in section 1201(a) of the Higher Education Act of 1965.

"(18) LOCAL EDUCATIONAL AGENCY.—(A) The term 'local educational agency' means a public board of education or other

public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or for such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools.

"(B) The term includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

"(C) The term includes an elementary or secondary school funded by the Bureau of Indian Affairs but only to the extent that such inclusion makes such school eligible for programs for which specific eligibility is not provided to such school in another provision of law and such school does not have a student population that is smaller than the student population of the local educational agency receiving assistance under this Act with the smallest student population, except that such school shall not be subject to the jurisdiction of any State educational agency other than the Bureau of Indian Affairs.

"(19) MENTORING.—The term 'mentoring' means a program in which an adult works with a child or youth on a 1-to-1 basis, establishing a supportive relationship, providing academic assistance, and introducing the child or youth to new experiences that enhance the child or youth's ability to excel in school and become a responsible citizen.

"(20) OTHER STAFF.—The term 'other staff' means pupil services personnel, librarians, career guidance and counseling personnel, education aides, and other instructional and administrative personnel.

"(21) OUTLYING AREA.—The term 'outlying area' means the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and for the purpose of section 1121 and any other discretionary grant program under this Act, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

"(22) PARENT.—The term 'parent' includes a legal guardian or other person standing in loco parentis.

"(23) PUBLIC TELECOMMUNICATION ENTITY.—The term 'public telecommunication entity' has the same meaning given to such term in section 397(12) of the Communications Act of 1934.

"(24) PUPIL SERVICES PERSONNEL; PUPIL SERVICES.—(A) The term 'pupil services personnel' means school counselors, school social workers, school psychologists, and other qualified professional personnel involved in providing assessment, diagnosis, counseling, educational, therapeutic, and other necessary services (including related services as such term is defined in section 602(a)(17) of the Individuals with Disabilities Education Act) as part of a comprehensive program to meet student needs.

"(B) The term 'pupil services' means the services provided by pupil services personnel.

"(25) SECONDARY SCHOOL.—The term 'secondary school' means a nonprofit institutional day or residential school that provides secondary education, as determined under State law, except that such term does not include any education beyond grade 12.

"(26) SECRETARY.—The term 'Secretary' means the Secretary of Education.

"(27) STATE.—The term 'State' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and each of the outlying areas.

"(28) STATE EDUCATIONAL AGENCY.—The term 'State educational agency' means the agency primarily responsible for the State supervision of public elementary and secondary schools.

"(29) TECHNOLOGY.—The term 'technology' means the latest state-of-the-art technology products and services, such as closed circuit television systems, educational television or radio programs and services, cable television, satellite, copper fiber optic transmission, computer hardware and software, video and audio laser and CD-ROM disks, video and audio tapes, including interactive forms of such products and services, or other technologies.

"SEC. 14102. APPLICABILITY OF THIS TITLE.

"Parts B, C, D, E, and F of this title do not apply to title VIII of this Act.

"SEC. 14103. APPLICABILITY TO BUREAU OF INDIAN AFFAIRS OPERATED SCHOOLS.

"For purposes of any competitive program under this Act, a consortia of schools operated by the Bureau of Indian Affairs, a school operated under a contract or grant with the Bureau of Indian Affairs in consortia with another contract or grant school or tribal or community organization, or a Bureau of Indian Affairs school in consortia with an institution of higher education, a contract or grant school and tribal or community organization shall be given the same consideration as a local educational agency.

"PART B—FLEXIBILITY IN THE USE OF ADMINISTRATIVE AND OTHER FUNDS

"SEC. 14201. CONSOLIDATION OF STATE ADMINISTRATIVE FUNDS FOR ELEMENTARY AND SECONDARY EDUCATION PROGRAMS.

"(a) CONSOLIDATION OF ADMINISTRATIVE FUNDS.—

"(1) IN GENERAL.—A State educational agency may consolidate the amounts specifically made available to such agency for State administration under one or more of the programs specified under paragraph (2) if such State educational agency can demonstrate that the majority of such agency's resources come from non-Federal sources.

"(2) APPLICABILITY.—This section applies to programs under title I, those covered programs described in subparagraphs (C), (D), (E), and (F) of section 14101(10), and administrative funds under section 308(c) of the Goals 2000: Educate America Act.

"(b) USE OF FUNDS.—

"(1) In general.—A State educational agency shall use the amount available under this section for the administration of the programs included in the consolidation under subsection (a).

"(2) Additional uses.—A State educational agency may also use funds available under this section for administrative activities designed to enhance the effective and coordinated use of funds under the programs included in the consolidation under subsection (a), such as—

"(A) the coordination of such programs with other Federal and non-Federal programs;

"(B) the establishment and operation of peer-review mechanisms under this Act;

"(C) the administration of this title;

"(D) the dissemination of information regarding model programs and practices; and

"(E) technical assistance under programs specified in subsection (a)(2).

"(c) Records.—A State educational agency that consolidates administrative funds under this section shall not be required to keep separate records, by individual program, to account for costs relating to the administration of programs included in the consolidation under subsection (a).

"(d) Review.—To determine the effectiveness of State administration under this section, the Secretary may periodically review the performance of State educational agencies in using consolidated administrative funds under this section and take such steps as the Secretary finds appropriate to ensure the effectiveness of such administration.

"(e) Unused Administrative Funds.—If a State educational agency does not use all of the funds available to such agency under this section for administration, such agency may use such funds during the applicable period of availability as funds available under one or more programs included in the consolidation under subsection (a).

"(f) Consolidation of Funds for Standards and Assessment Development.—In order to develop challenging State standards and assessments, a State educational agency may consolidate the amounts made available to such agency for such purposes under title I of this Act and title III of the Goals 2000: Educate America Act.

"SEC. 14202. SINGLE LOCAL EDUCATIONAL AGENCY STATES.

"A State educational agency that also serves as a local educational agency, in such agency's applications or plans under this Act, shall describe how such agency will eliminate duplication in the conduct of administrative functions.

"SEC. 14203. CONSOLIDATION OF FUNDS FOR LOCAL ADMINISTRATION.

"(a) General Authority.—In accordance with regulations of the Secretary, a local educational agency, with the approval of its State educational agency, may consolidate and use for the administration of one or more covered programs for any fiscal year not more than the percentage, established in each covered program, of the

total amount available to the local educational agency under such covered programs.

"(b) STATE PROCEDURES.—Within one year from the date of enactment of the Improving America's Schools Act of 1994, a State educational agency shall, in collaboration with local educational agencies in the State, establish procedures for responding to requests from local educational agencies to consolidate administrative funds under subsection (a) and for establishing limitations on the amount of funds under covered programs that may be used for administration on a consolidated basis.

"(c) CONDITIONS.—A local educational agency that consolidates administrative funds under this section for any fiscal year shall not use any other funds under the programs included in the consolidation for administration for that fiscal year.

"(d) USES OF ADMINISTRATIVE FUNDS.—A local educational agency that consolidates administrative funds under this section may use such consolidated funds for the administration of covered programs and for the uses described in section 14201(b)(2).

"(e) RECORDS.—A local educational agency that consolidates administrative funds under this section shall not be required to keep separate records, by individual covered program, to account for costs relating to the administration of covered programs included in the consolidation.

"SEC. 14204. ADMINISTRATIVE FUNDS STUDIES.

"(a) FEDERAL FUNDS STUDY.—

"(1) IN GENERAL.—The Secretary shall conduct a study of the use of funds under this Act for the administration, by State and local educational agencies, of all covered programs, including the percentage of grant funds used for such purpose in all covered programs.

"(2) STATE DATA.—Beginning in fiscal year 1995 and each succeeding fiscal year thereafter, each State educational agency which receives funds under title I shall submit to the Secretary a report on the use of title I funds for the State administration of activities assisted under title I. Such report shall include the proportion of State administrative funds provided under section 1603 that are expended for—

"(A) basic program operation and compliance monitoring;

"(B) statewide program services such as development of standards and assessments, curriculum development, and program evaluation; and

"(C) technical assistance and other direct support to local educational agencies and schools.

"(3) FEDERAL FUNDS REPORT.—The Secretary shall complete the study conducted under this section not later than July 1, 1997, and shall submit to the President and the appropriate committees of the Congress a report regarding such study within 30 days of the completion of such study.

"(4) RESULTS.—Based on the results of the study described in subsection (a)(1), which may include collection and analysis of the data under paragraph (2) and section 410(b) of the Improving America's Schools Act of 1994, the Secretary shall—

"(A) develop a definition of what types of activities constitute the administration of programs under this Act by State and local educational agencies; and

"(B) within one year of the completion of such study, promulgate final regulations or guidelines regarding the use of funds for administration under all programs, including the use of such funds on a consolidated basis and limitations on the amount of such funds that may be used for administration where such limitation is not otherwise specified in law.

"(b) GENERAL ADMINISTRATIVE FUNDS STUDY AND REPORT.—Upon the date of completion of the pilot model data system described in section 410(b) of the Improving America's Schools Act of 1994, the Secretary shall study the information obtained through the use of such data system and other relevant information, as well as any other data systems which are in use on such date that account for administrative expenses at the school, local educational agency, and State educational agency level, and shall report to the Congress not later than July 1, 1997, regarding—

"(1) the potential for the reduction of administrative expenses at the school, local educational agency, and State educational agency levels;

"(2) the potential usefulness of such data system to reduce such administrative expenses;

"(3) any other methods which may be employed by schools, local educational agencies or State educational agencies to reduce administrative expenses and maximize the use of funds for functions directly affecting student learning; and

"(4) if appropriate, steps which may be taken to assist schools, local educational agencies and State educational agencies to account for and reduce administrative expenses.

"SEC. 14205. CONSOLIDATED SET-ASIDE FOR DEPARTMENT OF THE INTERIOR FUNDS.

"(a) GENERAL AUTHORITY.—

"(1) TRANSFER.—The Secretary shall transfer to the Department of the Interior, as a consolidated amount for covered programs, the Indian education programs under part A of title IX of this Act, and the education for homeless children and youth program under subtitle B of title VII of the Stewart B. McKinney Homeless Assistance Act, the amounts allotted to the Department of the Interior under those programs.

"(2) AGREEMENT.—(A) The Secretary and the Secretary of the Interior shall enter into an agreement, consistent with the requirements of the programs specified in paragraph (1), for the distribution and use of those program funds under terms that the Secretary determines best meet the purposes of those programs.

"(B) The agreement shall—

"(i) set forth the plans of the Secretary of the Interior for the use of the amount transferred, the steps to be taken to achieve the National Education Goals, and performance measures to assess program effectiveness, including measurable goals and objectives; and

"(ii) be developed in consultation with Indian tribes.

"(b) ADMINISTRATION.—The Department of the Interior may use not more than 1.5 percent of the funds consolidated under this section for such department's costs related to the administration of the funds transferred under this section.

"SEC. 14206. AVAILABILITY OF UNNEEDED PROGRAM FUNDS.

"(a) UNNEEDED PROGRAM FUNDS.—With the approval of its State educational agency, a local educational agency that determines for any fiscal year that funds under a covered program (other than part A of title I) are not needed for the purpose of that covered program, may use such funds, not to exceed five percent of the total amount of such local educational agency's funds under that covered program, for the purpose of another covered program.

"(b) COORDINATION OF SERVICES.—A local educational agency, individual school, or consortium of schools may use a total of not more than five percent of the funds such agency, school, or consortium, respectively, receives under this Act for the establishment and implementation of a coordinated services project in accordance with the requirements of title XI of this Act.

"PART C—COORDINATION OF PROGRAMS; CONSOLIDATED STATE AND LOCAL PLANS AND APPLICATIONS

"SEC. 14301. PURPOSE.

"It is the purpose of this part to improve teaching and learning by encouraging greater cross-program coordination, planning, and service delivery under this Act and enhanced integration of programs under this Act with educational activities carried out with State and local funds.

"SEC. 14302. OPTIONAL CONSOLIDATED STATE PLANS OR APPLICATIONS.

"(a) GENERAL AUTHORITY.—

"(1) SIMPLIFICATION.—In order to simplify application requirements and reduce the burden for State educational agencies under this Act, the Secretary, in accordance with subsection (b), shall establish procedures and criteria under which a State educational agency may submit a consolidated State plan or a consolidated State application meeting the requirements of this section for—

"(A) each of the covered programs in which the State participates; and

"(B) the additional programs described in paragraph (2).

"(2) ADDITIONAL PROGRAMS.—A State educational agency may also include in its consolidated State plan or consolidated State application—

"(A) the Even Start program under part B of title I;

"(B) the Prevention and Intervention Programs for Youth Who Are Neglected, Delinquent, or At-Risk of Dropping Out under part D of title I;

"(C) programs under part A of title II of the Carl D. Perkins Vocational and Applied Technology Education Act;

"(D) programs under the Goals 2000: Educate America Act;

"(E) programs under the School-to-Work Opportunities Act of 1994; and

"(F) such other programs as the Secretary may designate.

"(3) CONSOLIDATED APPLICATIONS AND PLANS.—A State educational agency that submits a consolidated State plan or a consolidated State application under this section shall not be required to submit separate State plans or applications under any of the programs to which the consolidated State plan or consolidated State application under this section applies.

"(b) COLLABORATION.—

"(1) IN GENERAL.—In establishing criteria and procedures under this section, the Secretary shall collaborate with State educational agencies and, as appropriate, with other State agencies, local educational agencies, public and private nonprofit agencies, organizations, and institutions, private schools, and representatives of parents, students, and teachers.

"(2) CONTENTS.—Through the collaborative process described in subsection (b)(1), the Secretary shall establish, for each program under the Act to which this section applies, the descriptions, information, assurances, and other material required to be included in a consolidated State plan or consolidated State application.

"(3) NECESSARY MATERIALS.—The Secretary shall require only descriptions, information, assurances, and other materials that are absolutely necessary for the consideration of the consolidated State plan or consolidated State application.

"SEC. 14303. GENERAL APPLICABILITY OF STATE EDUCATIONAL AGENCY ASSURANCES.

"(a) ASSURANCES.—A State educational agency that submits a consolidated State plan or consolidated State application under this Act, whether separately or under section 14302, shall have on file with the Secretary a single set of assurances, applicable to each program for which such plan or application is submitted, that provides that—

"(1) each such program will be administered in accordance with all applicable statutes, regulations, program plans, and applications;

"(2)(A) the control of funds provided under each such program and title to property acquired with program funds will be in a public agency, in a nonprofit private agency, institution, or organization, or in an Indian tribe if the law authorizing the program provides for assistance to such entities; and

"(B) the public agency, nonprofit private agency, institution, or organization, or Indian tribe will administer such funds and property to the extent required by the authorizing law;

"(3) the State will adopt and use proper methods of administering each such program, including—

"(A) the enforcement of any obligations imposed by law on agencies, institutions, organizations, and other recipients responsible for carrying out each program;

"(B) the correction of deficiencies in program operations that are identified through audits, monitoring, or evaluation; and

"(C) the adoption of written procedures for the receipt and resolution of complaints alleging violations of law in the administration of such programs;

"(4) the State will cooperate in carrying out any evaluation of each such program conducted by or for the Secretary or other Federal officials;

"(5) the State will use such fiscal control and fund accounting procedures as will ensure proper disbursement of, and accounting for, Federal funds paid to the State under each such program;

"(6) the State will—

"(A) make reports to the Secretary as may be necessary to enable the Secretary to perform the Secretary's duties under each such program; and

"(B) maintain such records, provide such information to the Secretary, and afford access to the records as the Secretary may find necessary to carry out the Secretary's duties; and

"(7) before the plan or application was submitted to the Secretary, the State has afforded a reasonable opportunity for public comment on the plan or application and has considered such comment.

"(b) GEPA PROVISION.—Section 441 of the General Education Provisions Act shall not apply to programs under this Act.

"SEC. 14304. ADDITIONAL COORDINATION.

"(a) ADDITIONAL COORDINATION.—In order to explore ways for State educational agencies to reduce administrative burdens and promote the coordination of the education services of this Act with other health and social service programs administered by such agencies, the Secretary is directed to seek agreements with other Federal agencies (including the Departments of Health and Human Services, Justice, Labor and Agriculture) for the purpose of establishing procedures and criteria under which a State educational agency would submit a consolidated State plan or consolidated State application that meets the requirements of the covered programs.

"(b) REPORT.—The Secretary shall report to the relevant committees 6 months after the date of enactment of the Improving America's Schools Act of 1994.

"SEC. 14305. CONSOLIDATED LOCAL PLANS OR APPLICATIONS.

"(a) GENERAL AUTHORITY.—A local educational agency receiving funds under more than one covered program may submit plans or applications to the State educational agency under such programs on a consolidated basis.

"(b) REQUIRED CONSOLIDATED PLANS OR APPLICATIONS.—A State educational agency that has submitted and had approved a consolidated State plan or application under section 14302 may require local educational agencies in the State receiving funds under more than one program included in the consolidated State plan or

consolidated State application to submit consolidated local plans or applications under such programs.

"(c) COLLABORATION.—A State educational agency shall collaborate with local educational agencies in the State in establishing procedures for the submission of the consolidated State plans or consolidated State applications under this section.

"(d) NECESSARY MATERIALS.—The State educational agency shall require only descriptions, information, assurances, and other material that are absolutely necessary for the consideration of the local educational agency plan or application.

"SEC. 14306. OTHER GENERAL ASSURANCES.

"(a) ASSURANCES.—Any applicant other than a State educational agency that submits a plan or application under this Act, whether separately or pursuant to section 14304, shall have on file with the State educational agency a single set of assurances, applicable to each program for which a plan or application is submitted, that provides that—

"(1) each such program will be administered in accordance with all applicable statutes, regulations, program plans, and applications;

"(2)(A) the control of funds provided under each such program and title to property acquired with program funds will be in a public agency or in a nonprofit private agency, institution, organization, or Indian tribe, if the law authorizing the program provides for assistance to such entities; and

"(B) the public agency, nonprofit private agency, institution, or organization, or Indian tribe will administer such funds and property to the extent required by the authorizing statutes;

"(3) the applicant will adopt and use proper methods of administering each such program, including—

"(A) the enforcement of any obligations imposed by law on agencies, institutions, organizations, and other recipients responsible for carrying out each program; and

"(B) the correction of deficiencies in program operations that are identified through audits, monitoring, or evaluation;

"(4) the applicant will cooperate in carrying out any evaluation of each such program conducted by or for the State educational agency, the Secretary or other Federal officials;

"(5) the applicant will use such fiscal control and fund accounting procedures as will ensure proper disbursement of, and accounting for, Federal funds paid to such applicant under each such program;

"(6) the applicant will—

"(A) make reports to the State educational agency and the Secretary as may be necessary to enable such agency and the Secretary to perform their duties under each such program; and

"(B) maintain such records, provide such information, and afford access to the records as the State educational agency or the Secretary may find necessary to carry out the State educational agency's or the Secretary's duties; and

"(7) before the application was submitted, the applicant afforded a reasonable opportunity for public comment on the application and has considered such comment.

"(b) GEPA PROVISION.—Section 442 of the General Education Provisions Act does not apply to programs under this Act.

"SEC. 14307. RELATIONSHIP OF STATE AND LOCAL PLANS TO PLANS UNDER THE GOALS 2000: EDUCATE AMERICA ACT.

"(a) STATE PLANS.—

"(1) IN GENERAL.—Each State plan submitted under the following programs shall be integrated with each other and the State's improvement plan, if any, either approved or being developed, under title III of the Goals 2000: Educate America Act, the School-to-Work Opportunities Act of 1994, and the Carl D. Perkins Vocational and Applied Technology Education Act:

"(A) Part A of title I (helping disadvantaged children meet high standards).

"(B) Part C of title I (education of migratory children).

"(C) Part D of title I (education of neglected, delinquent, and at-risk youth).

"(D) Title II (professional development).

"(E) Title IV (safe and drug-free schools).

"(F) Title VI (innovative education program strategies).

"(G) Subpart 4 of part A of title IX (Indian education).

"(2) SPECIAL RULE.—Notwithstanding any other provision of this Act, if a requirement relating to a State plan referred to in paragraph (1) is already satisfied by the approved State improvement plan for such State under title III of the Goals 2000: Educate America Act, the State plan referred to in paragraph (1) need not separately address that requirement.

"(3) AMENDMENT.—Any State plan referred to in paragraph (1) may, if necessary, be submitted as an amendment to the State improvement plan for such State under title III of the Goals 2000: Educate America Act.

"(b) LOCAL PLANS.—

"(1) IN GENERAL.—Each local educational agency plan submitted under the following programs shall be integrated with each other and its local improvement plan, if any, either approved or being developed, under title III of the Goals 2000: Educate America Act:

"(A) Part A of title I (helping disadvantaged children meet high standards).

"(B) Title II (professional development).

"(C) Title IV (safe and drug-free schools).

"(D) Subpart 4 of part A of title IX (Indian education).

"(E) Subpart 1 of part A of title VII (bilingual education).

"(F) Title VI (innovative education program strategies).

"(G) Part C of title VII (emergency immigrant education).

"(2) PLAN OF OPERATION.—Each plan of operation included in an application submitted by an eligible entity under part B of title I (Even Start) shall be consistent with, and promote the goals of, the State and local improvement plans, either approved or being developed, under title III of the Goals 2000:

Educate America Act or, if those plans are not approved or being developed, with the State and local plans under sections 1111 and 1112.

"(3) Special rule.—Notwithstanding any other provision of this Act, if a requirement relating to a local plan referred to in paragraph (1) is already satisfied by the local educational agency's approved local improvement plan under title III of the Goals 2000: Educate America Act, the local plan referred to in paragraph (1) need not separately address that requirement.

"(4) Submission.—Any local plan referred to in paragraph (1) may, if necessary, be submitted as an amendment to the local educational agency's improvement plan under title III of the Goals 2000: Educate America Act.

"PART D—WAIVERS

"SEC. 14401. WAIVERS OF STATUTORY AND REGULATORY REQUIREMENTS.

"(a) In General.—Except as provided in subsection (c), the Secretary may waive any statutory or regulatory requirement of this Act for a State educational agency, local educational agency, Indian tribe, or school through a local educational agency, that—

"(1) receives funds under a program authorized by this Act; and

"(2) requests a waiver under subsection (b).

"(b) Request for Waiver.—

"(1) In general.—A State educational agency, local educational agency, or Indian tribe which desires a waiver shall submit a waiver request to the Secretary that—

"(A) identifies the Federal programs affected by such requested waiver;

"(B) describes which Federal requirements are to be waived and how the waiving of such requirements will—

"(i) increase the quality of instruction for students; or

"(ii) improve the academic performance of students;

"(C) if applicable, describes which similar State and local requirements will be waived and how the waiving of such requirements will assist the local educational agencies, Indian tribes or schools, as appropriate, to achieve the objectives described in clauses (i) and (ii) of subparagraph (B);

"(D) describes specific, measurable educational improvement goals and expected outcomes for all affected students;

"(E) describes the methods to be used to measure progress in meeting such goals and outcomes; and

"(F) describes how schools will continue to provide assistance to the same populations served by programs for which waivers are requested.

"(2) Additional information.—Such requests—

"(A) *may provide for waivers of requirements applicable to State educational agencies, local educational agencies, Indian tribes, and schools; and*

"(B) *shall be developed and submitted—*

"(i)(I) *by local educational agencies (on behalf of such agencies and schools) to State educational agencies; and*

"(II) *by State educational agencies (on behalf of, and based upon the requests of, local educational agencies) to the Secretary; or*

"(ii) *by Indian tribes (on behalf of schools operated by such tribes) to the Secretary.*

"(3) *GENERAL REQUIREMENTS.—(A) In the case of a waiver request submitted by a State educational agency acting in its own behalf, the State educational agency shall—*

"(i) *provide all interested local educational agencies in the State with notice and a reasonable opportunity to comment on the request;*

"(ii) *submit the comments to the Secretary; and*

"(iii) *provide notice and information to the public regarding the waiver request in the manner that the applying agency customarily provides similar notices and information to the public.*

"(B) *In the case of a waiver request submitted by a local educational agency that receives funds under this Act—*

"(i) *such request shall be reviewed by the State educational agency and be accompanied by the comments, if any, of such State educational agency; and*

"(ii) *notice and information regarding the waiver request shall be provided to the public by the agency requesting the waiver in the manner that such agency customarily provides similar notices and information to the public.*

"(c) *RESTRICTIONS.—The Secretary shall not waive under this section any statutory or regulatory requirements relating to—*

"(1) *the allocation or distribution of funds to States, local educational agencies, or other recipients of funds under this Act;*

"(2) *maintenance of effort;*

"(3) *comparability of services;*

"(4) *use of Federal funds to supplement, not supplant, non-Federal funds;*

"(5) *equitable participation of private school students and teachers;*

"(6) *parental participation and involvement;*

"(7) *applicable civil rights requirements;*

"(8) *the requirement for a charter school under part C of title X; or*

"(9) *the prohibitions regarding—*

"(A) *State aid in section 14502; or*

"(B) *use of funds for religious worship or instruction in section 14507.*

"(d) *DURATION AND EXTENSION OF WAIVER.—*

"(1) IN GENERAL.—Except as provided in paragraph (2), the duration of a waiver approved by the Secretary under this section may be for a period not to exceed three years.

"(2) EXTENSION.—The Secretary may extend the period described in paragraph (1) if the Secretary determines that—

"(A) the waiver has been effective in enabling the State or affected recipients to carry out the activities for which the waiver was requested and the waiver has contributed to improved student performance; and

"(B) such extension is in the public interest.

"(e) REPORTS.—

"(1) LOCAL WAIVER.—A local educational agency that receives a waiver under this section shall at the end of the second year for which a waiver is received under this section, and each subsequent year, submit a report to the State educational agency that—

"(A) describes the uses of such waiver by such agency or by schools;

"(B) describes how schools continued to provide assistance to the same populations served by the programs for which waivers are requested; and

"(C) evaluates the progress of such agency and of schools in improving the quality of instruction or the academic performance of students.

"(2) STATE WAIVER.—A State educational agency that receives reports required under paragraph (1) shall annually submit a report to the Secretary that is based on such reports and contains such information as the Secretary may require.

"(3) INDIAN TRIBE WAIVER.—An Indian tribe that receives a waiver under this section shall annually submit a report to the Secretary that—

"(A) describes the uses of such waiver by schools operated by such tribe; and

"(B) evaluates the progress of such schools in improving the quality of instruction or the academic performance of students.

"(4) REPORT TO CONGRESS.—Beginning in fiscal year 1997 and each subsequent year, the Secretary shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate a report—

"(A) summarizing the uses of waivers by State educational agencies, local educational agencies, Indian tribes, and schools; and

"(B) describing whether such waivers—

"(i) increased the quality of instruction to students; or

"(ii) improved the academic performance of students.

"(f) TERMINATION OF WAIVERS.—The Secretary shall terminate a waiver under this section if the Secretary determines that the performance of the State or other recipient affected by the waiver has been inadequate to justify a continuation of the waiver or if the waiver is no longer necessary to achieve its original purposes.

"(g) PUBLICATION.—A notice of the Secretary's decision to grant each waiver under subsection (a) shall be published in the Federal Register and the Secretary shall provide for the dissemination of such notice to State educational agencies, interested parties, including educators, parents, students, advocacy and civil rights organizations, and the public.

"PART E—UNIFORM PROVISIONS

"SEC. 14501. MAINTENANCE OF EFFORT.

"(a) IN GENERAL.—A local educational agency may receive funds under a covered program for any fiscal year only if the State educational agency finds that either the combined fiscal effort per student or the aggregate expenditures of such agency and the State with respect to the provision of free public education by such agency for the preceding fiscal year was not less than 90 percent of such combined fiscal effort or aggregate expenditures for the second preceding fiscal year.

"(b) REDUCTION IN CASE OF FAILURE TO MEET.—

"(1) IN GENERAL.—The State educational agency shall reduce the amount of the allocation of funds under a covered program in any fiscal year in the exact proportion to which a local educational agency fails to meet the requirement of subsection (a) by falling below 90 percent of both the combined fiscal effort per student and aggregate expenditures (using the measure most favorable to such local agency).

"(2) SPECIAL RULE.—No such lesser amount shall be used for computing the effort required under subsection (a) for subsequent years.

"(c) WAIVER.—The Secretary may waive the requirements of this section if the Secretary determines that such a waiver would be equitable due to—

"(1) exceptional or uncontrollable circumstances such as a natural disaster; or

"(2) a precipitous decline in the financial resources of the local educational agency.

"SEC. 14502. PROHIBITION REGARDING STATE AID.

"A State shall not take into consideration payments under this Act (other than under title VIII) in determining the eligibility of any local educational agency in such State for State aid, or the amount of State aid, with respect to free public education of children.

"SEC. 14503. PARTICIPATION BY PRIVATE SCHOOL CHILDREN AND TEACHERS.

"(a) PRIVATE SCHOOL PARTICIPATION.—

"(1) IN GENERAL.—Except as otherwise provided in this Act, to the extent consistent with the number of eligible children in a State educational agency, local educational agency, or educational service agency or consortium of such agencies receiving financial assistance under a program specified in subsection (b), who are enrolled in private elementary and secondary schools in such agency or consortium, such agency or consortium shall, after timely and meaningful consultation with appropriate private school officials, provide such children and

their teachers or other educational personnel, on an equitable basis, special educational services or other benefits under such program.

"(2) SECULAR, NEUTRAL, AND NONIDEOLOGICAL SERVICES OR BENEFITS.—Educational services or other benefits, including materials and equipment, provided under this section, shall be secular, neutral, and nonideological.

"(3) SPECIAL RULE.—Educational services and other benefits provided under this section for such private school children, teachers, and other educational personnel shall be equitable in comparison to services and other benefits for public school children, teachers, and other educational personnel participating in such program.

"(4) EXPENDITURES.—Expenditures for educational services and other benefits provided under this section to eligible private school children, their teachers, and other educational personnel serving such children shall be equal, taking into account the number and educational needs of the children to be served, to the expenditures for participating public school children.

"(5) PROVISION OF SERVICES.—Such agency or consortium described in subsection (a)(1) may provide such services directly or through contracts with public and private agencies, organizations, and institutions.

"(b) APPLICABILITY.—

"(1) IN GENERAL.—This section applies to programs under—

"(A) part C of title I (migrant education);

"(B) title II (other than section 2103 and part C of such title?);

"(C) title VII;

"(D) title III (other than part B of such title) (Star Schools); and

"(E) part A of title IV (other than section 4114).

"(2) DEFINITION.—For the purposes of this section, the term 'eligible children' means children eligible for services under a program described in paragraph (1).

"(c) CONSULTATION.—

"(1) IN GENERAL.—To ensure timely and meaningful consultation, a State educational agency, local educational agency, educational service agency or consortium of such agencies shall consult with appropriate private school officials during the design and development of the programs under this Act, on issues such as—

"(A) how the children's needs will be identified;

"(B) what services will be offered;

"(C) how and where the services will be provided; and

"(D) how the services will be assessed.

"(2) TIMING.—Such consultation shall occur before the agency or consortium makes any decision that affects the opportunities of eligible private school children, teachers, and other educational personnel to participate in programs under this Act.

"(3) DISCUSSION REQUIRED.—Such consultation shall include a discussion of service delivery mechanisms that the agency or consortium could use to provide equitable services to eligible private school children, teachers, administrators, and other staff.

"(d) PUBLIC CONTROL OF FUNDS.—

"(1) IN GENERAL.—The control of funds used to provide services under this section, and title to materials, equipment, and property purchased with such funds, shall be in a public agency for the uses and purposes provided in this Act, and a public agency shall administer such funds and property.

"(2) PROVISION OF SERVICES.—(A) The provision of services under this section shall be provided—

"(i) by employees of a public agency; or

"(ii) through contract by such public agency with an individual, association, agency, or organization.

"(B) In the provision of such services, such employee, person, association, agency, or organization shall be independent of such private school and of any religious organization, and such employment or contract shall be under the control and supervision of such public agency.

"(C) Funds used to provide services under this section shall not be commingled with non-Federal funds.

"SEC. 14504. STANDARDS FOR BY-PASS.

"If, by reason of any provision of law, a State educational agency, local educational agency, educational service agency or consortium of such agencies is prohibited from providing for the participation in programs of children enrolled in, or teachers or other educational personnel from, private elementary and secondary schools, on an equitable basis, or if the Secretary determines that such agency or consortium has substantially failed or is unwilling to provide for such participation, as required by section 14503, the Secretary shall—

"(1) waive the requirements of that section for such agency or consortium; and

"(2) arrange for the provision of equitable services to such children, teachers, or other educational personnel through arrangements that shall be subject to the requirements of this section and of sections 14503, 14505, and 14506.

"SEC. 14505. COMPLAINT PROCESS FOR PARTICIPATION OF PRIVATE SCHOOL CHILDREN.

"(a) PROCEDURES FOR COMPLAINTS.—The Secretary shall develop and implement written procedures for receiving, investigating, and resolving complaints from parents, teachers, or other individuals and organizations concerning violations of section 14503 by a State educational agency, local educational agency, educational service agency, or consortium of such agencies. Such individual or organization shall submit such complaint to the State educational agency for a written resolution by the State educational agency within a reasonable period of time.

"(b) APPEALS TO THE SECRETARY.—Such resolution may be appealed by an interested party to the Secretary not later than 30 days after the State educational agency resolves the complaint or fails to

resolve the complaint within a reasonable period of time. Such appeal shall be accompanied by a copy of the State educational agency's resolution, and a complete statement of the reasons supporting the appeal. The Secretary shall investigate and resolve each such appeal not later than 120 days after receipt of the appeal.

"SEC. 14506. BY-PASS DETERMINATION PROCESS.

"(a) REVIEW.—

"(1) IN GENERAL.—(A) The Secretary shall not take any final action under section 14504 until the State educational agency, local educational agency, educational service agency, or consortium of such agencies affected by such action has had an opportunity, for not less than 45 days after receiving written notice thereof, to submit written objections and to appear before the Secretary to show cause why that action should not be taken.

"(B) Pending final resolution of any investigation or complaint that could result in a determination under this section, the Secretary may withhold from the allocation of the affected State or local educational agency the amount estimated by the Secretary to be necessary to pay the cost of those services.

"(2) PETITION FOR REVIEW.—(A) If such affected agency or consortium is dissatisfied with the Secretary's final action after a proceeding under paragraph (1), such agency or consortium may, within 60 days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action.

"(B) A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary.

"(C) The Secretary upon receipt of the copy of the petition shall file in the court the record of the proceedings on which the Secretary based this action, as provided in section 2112 of title 28, United States Code.

"(3) FINDINGS OF FACT.—(A) The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Secretary to take further evidence and the Secretary may then make new or modified findings of fact and may modify the Secretary's previous action, and shall file in the court the record of the further proceedings.

"(B) Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

"(4) JURISDICTION.—(A) Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Secretary or to set such action aside, in whole or in part.

"(B) The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

"(b) DETERMINATION.—Any determination by the Secretary under this section shall continue in effect until the Secretary determines, in consultation with such agency or consortium and representatives of the affected private school children, teachers, or other

educational personnel that there will no longer be any failure or inability on the part of such agency or consortium to meet the applicable requirements of section 14503 or any other provision of this Act.

"(c) PAYMENT FROM STATE ALLOTMENT.—When the Secretary arranges for services pursuant to this section, the Secretary shall, after consultation with the appropriate public and private school officials, pay the cost of such services, including the administrative costs of arranging for those services, from the appropriate allocation or allocations under this Act.

"(d) PRIOR DETERMINATION.—Any by-pass determination by the Secretary under this Act as in effect on the day preceding the date of enactment of the Improving America's Schools Act of 1994 shall remain in effect to the extent the Secretary determines that such determination is consistent with the purpose of this section.

"SEC. 14507. PROHIBITION AGAINST FUNDS FOR RELIGIOUS WORSHIP OR INSTRUCTION.

"Nothing contained in this Act shall be construed to authorize the making of any payment under this Act for religious worship or instruction.

"SEC. 14508. APPLICABILITY TO HOME SCHOOLS.

"Nothing in this Act shall be construed to affect home schools.

"SEC. 14509. GENERAL PROVISION REGARDING NONRECIPIENT NONPUBLIC SCHOOLS.

"Nothing in this Act shall be construed to permit, allow, encourage, or authorize any Federal control over any aspect of any private, religious, or home school, whether or not a home school is treated as a private school or home school under State law. This section shall not be construed to bar private, religious, or home schools from participation in programs or services under this Act.

"SEC. 14510. SCHOOL PRAYER.

"Any State or local educational agency that is adjudged by a Federal court of competent jurisdiction to have willfully violated a Federal court order mandating that such local educational agency remedy a violation of the constitutional right of any student with respect to prayer in public schools, in addition to any other judicial remedies, shall be ineligible to receive Federal funds under this Act until such time as the local educational agency complies with such order. Funds that are withheld under this section shall not be reimbursed for the period during which the local educational agency was in willful noncompliance.

"SEC. 14511. GENERAL PROHIBITIONS.

"(a) PROHIBITION.—None of the funds authorized under this Act shall be used—

"(1) to develop or distribute materials, or operate programs or courses of instruction directed at youth that are designed to promote or encourage, sexual activity, whether homosexual or heterosexual;

"(2) to distribute or to aid in the distribution by any organization of legally obscene materials to minors on school grounds;

"(3) to provide sex education or HIV prevention education in schools unless such instruction is age appropriate and includes the health benefits of abstinence; or

"(4) to operate a program of condom distribution in schools.

"(b) LOCAL CONTROL.—Nothing in this section shall be construed to—

"(1) authorize an officer or employee of the Federal Government to mandate, direct, review, or control a State, local educational agency, or schools' instructional content, curriculum, and related activities;

"(2) limit the application of the General Education Provisions Act;

"(3) require the distribution of scientifically or medically false or inaccurate materials or to prohibit the distribution of scientifically or medically true or accurate materials; or

"(4) create any legally enforceable right.

"SEC. 14512. PROHIBITION ON FEDERAL MANDATES, DIRECTION, AND CONTROL.

"Nothing in this Act shall be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control a State, local educational agency, or school's curriculum, program of instruction, or allocation of State or local resources, or mandate a State or any subdivision thereof to spend any funds or incur any costs not paid for under this Act.

"SEC. 14513. REPORT.

"The Secretary shall report to the Congress not later than 180 days of the date of enactment of the Improving America's Schools Act of 1994 regarding how the Secretary shall ensure that audits conducted by Department employees of activities assisted under this Act comply with changes to this Act made by the Improving America's Schools Act of 1994, particularly with respect to permitting children with similar educational needs to be served in the same educational settings, where appropriate.

"SEC. 14514. REQUIRED PARTICIPATION PROHIBITED.

"Notwithstanding any other provision of law, no State shall be required to participate in any program under the Goals 2000: Educate America Act, or to have content standards or student performance standards approved or certified under such Act, in order to receive assistance under this Act.

"PART F—GUN POSSESSION

"SEC. 14601. GUN-FREE REQUIREMENTS.

"(a) SHORT TITLE.—This section may be cited as the 'Gun-Free Schools Act of 1994'.

"(b) REQUIREMENTS.—

"(1) IN GENERAL.—Except as provided in paragraph (3), each State receiving Federal funds under this Act shall have in effect a State law requiring local educational agencies to expel from school for a period of not less than one year a student who is determined to have brought a weapon to a school under the jurisdiction of local educational agencies in that State, except that such State law shall allow the chief administering officer

of such local educational agency to modify such expulsion requirement for a student on a case-by-case basis.

"(2) CONSTRUCTION.—Nothing in this title shall be construed to prevent a State from allowing a local educational agency that has expelled a student from such a student's regular school setting from providing educational services to such student in an alternative setting.

"(3) SPECIAL RULE.—(A) Any State that has a law in effect prior to the date of enactment of the Improving America's Schools Act of 1994 which is in conflict with the not less than one year expulsion requirement described in paragraph (1) shall have the period of time described in subparagraph (B) to comply with such requirement.

"(B) The period of time shall be the period beginning on the date of enactment of the Improving America's Schools Act and ending one year after such date.

"(4) DEFINITION.—For the purpose of this section, the term 'weapon' means a firearm as such term is defined in section 921 of title 18, United States Code.

"(c) SPECIAL RULE.—The provisions of this section shall be construed in a manner consistent with the Individuals with Disabilities Education Act.

"(d) REPORT TO STATE.—Each local educational agency requesting assistance from the State educational agency that is to be provided from funds made available to the State under this Act shall provide to the State, in the application requesting such assistance—

"(1) an assurance that such local educational agency is in compliance with the State law required by subsection (b); and

"(2) a description of the circumstances surrounding any expulsions imposed under the State law required by subsection (b), including—

"(A) the name of the school concerned;

"(B) the number of students expelled from such school; and

"(C) the type of weapons concerned.

"(e) REPORTING.—Each State shall report the information described in subsection (c) to the Secretary on an annual basis.

"(f) REPORT TO CONGRESS.—Two years after the date of enactment of the Improving America's Schools Act of 1994, the Secretary shall report to Congress if any State is not in compliance with the requirements of this title.

"SEC. 14602. POLICY REGARDING CRIMINAL JUSTICE SYSTEM REFERRAL.

"(a) IN GENERAL.—No funds shall be made available under this Act to any local educational agency unless such agency has a policy requiring referral to the criminal justice or juvenile delinquency system of any student who brings a firearm or weapon to a school served by such agency.

"(b) DEFINITIONS.—For the purpose of this section, the terms 'firearm' and 'school' have the same meaning given to such terms by section 921(a) of title 18, United States Code.

"SEC. 14603. DATA AND POLICY DISSEMINATION UNDER IDEA.

"The Secretary shall—

"(1) widely disseminate the policy of the Department in effect on the date of enactment of the Improving America's Schools Act of 1994 with respect to disciplining children with disabilities;

"(2) collect data on the incidence of children with disabilities (as such term is defined in section 602(a)(1) of the Individuals With Disabilities Education Act) engaging in life threatening behavior or bringing weapons to schools; and

"(3) submit a report to Congress not later than January 31, 1995, analyzing the strengths and problems with the current approaches regarding disciplining children with disabilities.

"PART G—EVALUATIONS

"SEC. 14701. EVALUATIONS.

"(a) EVALUATIONS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary is authorized to reserve not more than 0.50 percent of the amount appropriated to carry out each program authorized under this Act—

"(A) to carry out comprehensive evaluations of categorical programs and demonstration projects, and studies of program effectiveness, under this Act, and the administrative impact of such programs on schools and local educational agencies in accordance with subsection (b);

"(B) to evaluate the aggregate short- and long-term effects and cost efficiencies across Federal programs under this Act and related Federal preschool, elementary and secondary programs under other Federal law; and

"(C) to strengthen the usefulness of grant recipient evaluations for continuous program progress through improving the quality, timeliness, efficiency, and utilization of program information on program performance.

"(2) SPECIAL RULE.—(A) Paragraph (1) shall not apply to any program under title I.

"(B) If funds are made available under any program assisted under this Act (other than a program under title I) for evaluation activities, then the Secretary shall reserve no additional funds pursuant to the authority in subsection (a)(1) to evaluate such program, but shall coordinate the evaluation of such program with the national evaluation described in subsection (b).

"(b) NATIONAL EVALUATIONS.—

"(1) IN GENERAL.—The Secretary shall use the funds made available under subsection (a) to carry out—

"(A) independent studies of categorical and demonstration programs under this Act and the administrative impact of such programs on schools and local educational agencies, that are coordinated with research supported through the Office of Educational Research and Improvement, using rigorous methodological designs and techniques, including longitudinal designs, control groups, and random assignment, as appropriate, to determine—

"(i) the success of such programs in meeting the measurable goals and objectives, through appropriate targeting, quality services, and efficient administration, and in contributing to achieving the National Education Goals, with a priority on assessing program impact on student performance;

"(ii) the short- and long-term effects of program participation on program participants, as appropriate;

"(iii) the cost and efficiency of such programs;

"(iv) to the extent feasible, the cost of serving all students eligible to be served under such programs;

"(v) specific intervention strategies and implementation of such strategies that, based on theory, research and evaluation, offer the promise of improved achievement of program objectives;

"(vi) promising means of identifying and disseminating effective management and educational practices;

"(vii) the effect of such programs on school and local educational agencies' administrative responsibilities and structure, including the use of local and State resources, with particular attention to schools and agencies serving a high concentration of disadvantaged students; and

"(viii) the effect of Federal categorical programs at the elementary and secondary levels on the proliferation of State categorical education aid programs and regulations, including an evaluation of the State regulations that are developed in response to Federal education laws;

"(B) in collaboration with the national assessment conducted pursuant to section 1601, a comprehensive evaluation of how the Federal Government has assisted the States to reform their educational systems through the various education laws enacted during the 103d Congress, which evaluation shall—

"(i) encompass the changes made in Federal programs pursuant to the Improving America's Schools Act of 1994 as well as in any other law enacted during the 103d Congress that amended a Federal program assisting preschool, elementary, or secondary education;

"(ii) encompass new initiatives such as initiatives under the Goals 2000: Educate America Act, and the School-to-Work Opportunities Act of 1994, and be coordinated with evaluations of such Acts;

"(iii) include a comprehensive review of the programs developed under the Acts described in clauses (i) and (ii) to determine such programs' overall effect on—

"(I) the readiness of children for schooling;

"(II) the improvement in educational attainment of students in elementary and secondary education; and

"(III) the improvement in skills needed by students to obtain employment or pursue further education upon completion of secondary school or further education;

"(iv) include a comprehensive review of the programs under the Acts described in clauses (i) and (ii) to determine such programs' overall effect—

"(I) on school reform efforts undertaken by States;

"(II) on efforts by States to adopt educational standards to improve schooling for all children, to align their curricula, teacher training, and assessments with such standards, and to bring flexibility to the rules governing how education is to be provided; and

"(III) on student populations that have been the traditional beneficiaries of Federal assistance in order to determine whether such population's educational attainment has been improved as a result of such programs;

"(v) evaluate how the National Assessment Governing Board, the Advisory Council on Education Statistics, the National Education Goals Panel, and the National Education Statistics and Improvement Council (and any other Federal board established to analyze, address, or approve education standards and assessments) coordinate, interact, or duplicate efforts to assist the States in reforming the educational systems of States; and

"(vi) include a review of the programs under the Acts described in clauses (i) and (ii) in such detail as the Secretary deems appropriate, and may involve cooperation with other Federal departments and agencies in order to incorporate evaluations and recommendations of such departments and agencies; and

"(C) a study of the waivers granted under section 14401, which study shall include—

"(i) data on the total number of waiver requests that were granted and the total number of such requests that were denied, disaggregated by the statutory or regulatory requirement for which the waivers were requested; and

"(ii) an analysis of the effect of waivers on categorical program requirements and other flexibility provisions in this Act, the School-to-Work Opportunities Act of 1994, and the Goals 2000: Educate America Act, on improvement in educational achievement of participating students and on school and local educational agency administrative responsibilities, structure, and resources based on an appropriate sample of State educational agencies, local educational agencies, schools, and tribes receiving waivers.

"(D) a study of the waivers provided under section 1114 to support schoolwide programs which shall include—

"(i) the extent to which schoolwide programs are meeting the intent and purposes of any program for which provisions were waived; and

"(ii) the extent to which the needs of all students are being served by such programs particularly students who would be eligible for assistance under any provisions waived.

"(2) INDEPENDENT PANEL.—The Secretary shall appoint an independent panel to review the plan for the evaluation described in paragraph (1), to advise the Secretary on such evaluation's progress, and to comment, if the panel so. wishes, on the final report described in paragraph (3).

"(3) REPORT.—The Secretary shall submit a final report on the evaluation described in this subsection by January 1, 1998, to the Committee on Education and Labor of the House of Representatives and to the Committee on Labor and Human Resources of the Senate.

"(c) RECIPIENT EVALUATION AND QUALITY ASSURANCE IMPROVEMENT.—The Secretary is authorized to provide guidance, technical assistance, and model programs to recipients of assistance under this Act to strengthen information for quality assurance and performance information feedback at State and local levels. Such guidance and assistance shall promote the development, measurement and reporting of valid, reliable, timely and consistent performance indicators within a program in order to promote continuous program improvement. Nothing in this subsection shall be construed to establish a national data system.

"PART H—SENSE OF THE CONGRESS

"SEC. 14801. SENSE OF CONGRESS TO INCREASE THE TOTAL SHARE OF FEDERAL SPENDING ON EDUCATION.

"(a) FINDINGS.—The Congress finds that—

"(1) in order to increase our Nation's standard of living and to increase the number of good jobs, the United States must increase its productivity and ability to compete in the international marketplace by improving the educational level of our workforce;

"(2) although efforts are being made to establish higher educational standards and goals, there is a substantial shortage of resources to meet such standards and goals;

"(3) States and local communities are finding it increasingly difficult to meet ever higher educational standards and goals, and States will not be able to fund needed changes without Federal help to reach such standards and goals;

"(4) the Federal Government has established many educational programs but failed to provide adequate funding for such programs, for example one such program provides education to our Nation's disabled students and was established with a promise of 40 percent Federal funding but currently receives only eight percent Federal funding;

"(5) the annual shortfall in Federal education programs is approximately half of the promised funding;

"(6) many needed educational improvements will not need Federal funds, however, other suggested changes such as lengthened school years, better pay, after-school activities, mentoring for students at risk, programs for gifted students, and replacing substandard buildings, will require substantial Federal assistance; and

"(7) the Federal contribution to education is less than two percent of the total Federal budget, and in order to make education a national priority, the total percentage of Federal educational funding should be increased by one percent each year over the next eight years to reach 10 percent of the total Federal budget.

"(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that the total share of the Federal spending on education should increase by at least one percent each year until such share reaches 10 percent of the total Federal budget.

"SEC. 14802. SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.

"(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

"(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.".

TITLE II—AMENDMENTS TO THE GENERAL EDUCATION PROVISIONS ACT

PART A—APPLICABILITY OF THE GENERAL EDUCATION PROVISIONS ACT

SEC. 211. TITLE; APPLICABILITY; DEFINITIONS.

Section 400 of the General Education Provisions Act (20 U.S.C. 1221 et seq.) (hereafter in this title (other than part F) referred to as the "Act") is amended to read as follows:

"SHORT TITLE; APPLICABILITY; DEFINITIONS

"SEC. 400. (a) This title may be cited as the 'General Education Provisions Act'.

"(b)(1) Except as otherwise provided, this title applies to each applicable program of the Department of Education.

"(2) Except as otherwise provided, this title does not apply to any contract made by the Department of Education.

"(c) As used in this title, the following terms have the following meanings:

"(1) The term 'applicable program' means any program for which the Secretary or the Department has administrative responsibility as provided by law or by delegation of authority

pursuant to law. The term includes each program for which the Secretary or the Department has administrative responsibility under the Department of Education Organization Act or under Federal law effective after the effective date of that Act.

"(2) The term 'applicable statute' means—

"(A) the Act or the title, part, section, or any other subdivision of an Act, as the case may be, that authorizes the appropriation for an applicable program;

"(B) this title; and

"(C) any other statute that by its terms expressly controls the administration of an applicable program.

"(3) The term 'Department' means the Department of Education.

"(4) The term 'Secretary' means the Secretary of Education.

"(d) Nothing in this title shall be construed to affect the applicability of title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, title V of the Rehabilitation Act of 1973, the Age Discrimination Act, or other statutes prohibiting discrimination, to any applicable program.".

SEC. 212. REPEAL AND REDESIGNATION.

(a) Repeals.—

(1) Sections.—Sections 400A, 401, 402, 403, 406, 406A, 406B, 406C, 407, 413, 416, 419, 421, 423, 424, 426A, and 429 of the Act are repealed.

(2) Part.—Part D of the Act is repealed.

(b) Redesignations.—

(1) Sections.—Sections 408, 409, 411, 412, 414, 415, 417, 420, 421A, 422, 425, 426, 427, 428, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, and 440 of the Act are redesignated as sections 410, 411, 420, 421, 422, 423, 425, 426, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, and 446 of the Act, respectively.

(2) Part.—Part E of the Act is redesignated as part D of the Act.

(3) Cross references.—(A) Paragraph (6) of section 441(b) (as redesignated by paragraph (1)) (20 U.S.C. 1232d(b)(6)) is amended by striking "437" and inserting "443".

(B) Paragraph (4) of section 442(b) of the Act (as redesignated by paragraph (1)) (20 U.S.C. 1232e(b)(4)) is amended by striking "437" and inserting "443".

(C) Subsection (a) of section 446 of the Act (as redesignated by paragraph (1)) (20 U.S.C. 1232i(a)) is amended by striking "438(b)(1)(D)" and inserting "444(b)(1)(D)".

(D) Subsection (a) of section 458 of the Act (20 U.S.C. 1234g(a)) is amended by striking "435(a)" and inserting "441(a)".

PART B—THE DEPARTMENT OF EDUCATION

SEC. 221. NEW HEADING FOR PART A.

The heading for part A of the Act is amended to read as follows:

"PART A—FUNCTIONS OF THE DEPARTMENT OF EDUCATION".

SEC. 222. GENERAL AUTHORITY OF THE SECRETARY.

Section 410 of the Act (as redesignated by section 212(b)(1)) (20 U.S.C. 1221e–3) is amended to read as follows:

"GENERAL AUTHORITY OF THE SECRETARY

"SEC. 410. The Secretary, in order to carry out functions otherwise vested in the Secretary by law or by delegation of authority pursuant to law, and subject to limitations as may be otherwise imposed by law, is authorized to make, promulgate, issue, rescind, and amend rules and regulations governing the manner of operation of, and governing the applicable programs administered by, the Department.".

PART C—APPROPRIATIONS AND EVALUATIONS

SEC. 231. FORWARD FUNDING.

Section 420 of the Act (as redesignated by section 212(b)(1)) (20 U.S.C. 1223) is amended to read as follows:

"FORWARD FUNDING

"SEC. 420. (a) To the end of affording the responsible Federal, State, and local officers adequate notice of available Federal financial assistance for carrying out ongoing education activities and projects, appropriations for grants, contracts, or other payments under any applicable program are authorized to be included in the appropriations Act for the fiscal year preceding the fiscal year during which such activities and projects shall be carried out.

"(b) In order to effect a transition to the timing of appropriation action authorized by subsection (a), the application of this section may result in the enactment, in a fiscal year, of separate appropriations for an applicable program (whether in the same appropriations Act or otherwise) for two consecutive fiscal years.".

SEC. 232. AVAILABILITY OF APPROPRIATIONS.

(a) AMENDMENT TO HEADING.—The heading for section 421 of the Act (as redesignated by section 212(b)(1)) (20 U.S.C. 1225) is amended to read as follows:

"AVAILABILITY OF APPROPRIATIONS ON ACADEMIC OR SCHOOL-YEAR BASIS; ADDITIONAL PERIOD FOR OBLIGATION OF FUNDS".

(b) AMENDMENT TO TEXT.—Section 421 of the Act (20 U.S.C. 1225) is further amended—

(1) in subsection (a)—

(A) by striking "to educational agencies or institutions";

(B) by striking "expenditure" and inserting "obligation"; and

(C) by striking "agency or institution concerned" and inserting "recipient";

(2) in subsection (b), by striking "(b) Notwithstanding" and inserting "(b)(1) Notwithstanding"; and

(3) in subsection (c), by striking "section 3679(d)(2) of the Revised Statutes" and inserting "section 1341(a) of title 31, United States Code".

SEC. 233. CONTINGENT EXTENSION OF PROGRAMS.

Section 422 of the Act (as redesignated by section 212(b)(1)) (20 U.S.C. 1226a) is amended to read as follows:

"CONTINGENT EXTENSION OF PROGRAMS

"SEC. 422. (a) The authorization of appropriations for, or duration of, an applicable program shall be automatically extended for one additional fiscal year unless Congress, in the regular session that ends prior to the beginning of the terminal fiscal year of such authorization or duration, has passed legislation that becomes law and extends or repeals the authorization or duration of such program.

"(b) The amount authorized to be appropriated for the period of automatic extension under subsection (a) of an applicable program shall be the amount authorized to be appropriated for such program for the terminal fiscal year of the applicable program.

"(c) If the Secretary is required, in the terminal fiscal year of an applicable program, to carry out certain acts or make certain determinations that are necessary for the continuation of such program, such acts or determinations shall be required to be carried out or made during the period of automatic extension under subsection (a).

"(d) This section shall not apply to the authorization of appropriations for a commission, council, or committee which is required by an applicable statute to terminate on a date certain.".

SEC. 234. STATE REPORTS.

Subpart 2 of part B of the Act (20 U.S.C. 1226b et seq.) is amended by inserting before section 425 (as redesignated by section 212(b)(1)) the following new section:

"RESPONSIBILITY OF STATES TO FURNISH INFORMATION

"SEC. 424. (a) Each State educational agency shall submit to the Secretary a report on or before March 15 of every second year. Each such report shall include—

"(1) information with respect to the uses of Federal funds in such State in the two preceding fiscal years under any applicable program under the jurisdiction of the State educational agency; and

"(2) information with respect to the uses of Federal funds in such State in the two preceding fiscal years under any Federal program administered by the State that provided grants or contracts to a local educational agency in the State.

"(b) Each report submitted under subsection (a) shall—

"(1) list, with respect to each program for which information is provided, all grants made to and contracts entered into with local educational agencies and other public and private agencies and institutions within the State during each fiscal year concerned;

"(2) analyze the information included in the report by local educational agency and by program;

"(3) include the total amount of funds available to the State under each such program for each fiscal year concerned; and

"(4) be made readily available by the State to local educational agencies and institutions within the State and to the public.

"(c) If the Secretary does not receive a report by the date required under subsection (a), or receives an incomplete report, the Secretary, not later than 30 days after such report is required to be submitted, shall take all reasonable measures to obtain the delinquent or incomplete information from the State educational agency.

"(d) When the Secretary receives a report required under subsection (a), the Secretary shall provide such information to the National Center for Education Statistics, and shall make such information available, at a reasonable cost, to any individual who requests such information.

"(e) The Secretary shall consult with the Speaker and Minority Leader of the House of Representatives and the Majority and Minority Leaders of the Senate regarding the costs and feasibility of making the information described in subsection (a) available as part of a telecommunications network that is readily accessible to every member of Congress and other interested parties.

"(f) On or before August 15 of each year in which reports are submitted under subsection (a), the Secretary shall submit a report to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate. Such report shall include—

"(1) an analysis of the content and data quality of such reports;

"(2) a compilation of statistical data derived from such reports; and

"(3) information obtained by the Secretary with respect to—

"(A) direct grants made to local educational agencies by the Federal Government; and

"(B) contracts entered into between such agencies and the Federal Government.".

SEC. 235. BIENNIAL EVALUATION REPORT.

Section 425 of the Act (as redesignated by section 212(b)(1)) (20 U.S.C. 1226c) is amended to read as follows:

"BIENNIAL EVALUATION REPORT

"SEC. 425. Not later than March 31, 1995, and every two years after such date, the Secretary shall transmit to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate an evaluation report on the effectiveness of applicable programs in achieving such programs' legislated intent and purposes during the two preceding fiscal years. Such report shall—

"(1) contain program profiles that include legislative citations, multiyear funding histories, and legislated purposes;

"(2) contain recent information on the progress being made toward the achievement of program objectives, including listings of program performance indicators, data from performance measurement based on the indicators, and information on the costs and benefits of the applicable programs being evaluated;

"(3) address significant program activities, such as initiatives for program improvement, regulations, and program monitoring and evaluation;

"(4) list the principal analyses and studies supporting the major conclusions in such report;

"(5) be prepared in concise summary form with necessary detailed data and appendixes, including available data to indicate the effectiveness of the programs and projects by the race, sex, disability and age of beneficiaries of such programs and projects; and

"(6) include the results of the program evaluations conducted in accordance with section 14701 of the Elementary and Secondary Education Act of 1965.".

SEC. 236. EQUITY FOR STUDENTS, TEACHERS, AND OTHER PROGRAM BENEFICIARIES.

Subpart 2 of part B of the Act (20 U.S.C. 1226b et seq.) is further amended by inserting after section 426 (as redesignated by section 212(b)(1)) the following new section:

"EQUITY FOR STUDENTS, TEACHERS, AND OTHER PROGRAM BENEFICIARIES

"SEC. 427. (a) The purpose of this section is to assist the Department in implementing the Department's mission to ensure equal access to education and to promote educational excellence throughout the Nation, by—

"(1) ensuring equal opportunities to participate for all eligible students, teachers, and other program beneficiaries in any project or activity carried out under an applicable program; and

"(2) promoting the ability of such students, teachers, and beneficiaries to meet high standards.

"(b) The Secretary shall require each applicant for assistance under an applicable program (other than an individual) to develop and describe in such applicant's application the steps such applicant proposes to take to ensure equitable access to, and equitable participation in, the project or activity to be conducted with such assistance, by addressing the special needs of students, teachers, and other program beneficiaries in order to overcome barriers to equitable participation, including barriers based on gender, race, color, national origin, disability, and age.

"(c) The Secretary may establish criteria and provide technical assistance for meeting the requirements of this section.

"(d) Nothing in this section shall be construed to alter in any way the rights or responsibilities established under the laws cited in section 400(d) of this Act.".

SEC. 237. COORDINATION.

Subpart 2 of part B of the Act (20 U.S.C. 1226b et seq.) is further amended by adding at the end the following new section:

"COORDINATION

"SEC. 428. The National Assessment Governing Board, the Advisory Council on Education Statistics, the National Education Goals Panel, the National Education Standards and Improvement Council, and any other board established to analyze, address, or approve education content or student performance standards and assessments shall coordinate and interact with one another in order to ensure that each such entity does not duplicate activities to assist the States in reforming their educational systems.".

SEC. 238. DISCLOSURE REQUIREMENTS.

Subpart 2 of part B of the Act (20 U.S.C. 1226b) is further amended by inserting after section 428 (as added by section 237) the following new section:

"DISCLOSURE REQUIREMENTS

"SEC. 429. (a) IN GENERAL.—Each educational organization, prior to enrolling a minor and prior to accepting funds for the cost of a minor's participation in an educational program operated by such organization, shall disclose the following information in written form to the minor or the minor's parent.

"(1) METHOD OF SOLICITATION AND SELECTION.—The method of solicitation and selection of participants in the educational program, including—

"(A) the origin of any mailing list used for such solicitation and selection;

"(B) any recruitment through a local school official, teacher, or school personnel, including any compensation or other benefit offered to such official, teacher, or personnel for the recommendation of a minor for participation in the educational program;

"(C) any open enrollment activity, including the method of outreach; and

"(D) any cooperation with, or sponsorship by, a membership organization, including a description of the cooperation or sponsorship and the name of each such organization.

"(2) COST AND FEES.—Information regarding the cost of the educational program and information regarding the distribution of any enrollment fee, including—

"(A) the amount paid for, and the percentage of the total educational program cost of, each feature of the educational program, including—

"(i) food;

"(ii) lodging;

"(iii) transportation;

"(iv) program staffing;

"(v) textbooks, syllabi, or other scholastic educational program materials;

"(vi) speaker fees; and

"(vii) administrative expenses, including expenses related to—

"(I) the preparation of nonscholastic educational program materials;

"(II) the provision of financial assistance;

"(III) mailing list rental or other recruitment activity; and

"(IV) administrative salaries and consulting fees;

"(B) the identity of the organization or business providing each of the features described in clauses (i) through (vii) of subparagraph (A); and

"(C) the nature of any relationship of any board member, officer, or employee of the educational organization to any organization or business described in subparagraph (B), including the salary or other compensation paid by such organization or business to such board member, officer, or employee.

"(b) NONDISCRIMINATORY ENROLLMENT AND SERVICE POLICY.—

"(1) IN GENERAL.—Each educational organization shall include a verifiable statement in all enrollment or recruitment material that the educational organization does not—

"(A) fail or refuse to hire, or discharge, any individual, or otherwise discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment; or

"(B) exclude any student from participation in an educational program, discriminate against any student in providing the benefits associated with such program (including any scholarship or financial assistance, and use of any facility), or subject the student to discrimination under such program, on the basis of race, disability, or residence in a low-income area.

"(2) CONSTRUCTION.—Nothing in this subsection shall be construed to entitle a student to—

"(A) participation in an educational program or any benefit associated with such program; or

"(B) a waiver of any fee charged for such participation or benefit.

"(c) ENFORCEMENT.—The Secretary shall—

"(1)(A) widely disseminate information about the requirements of this section to State and local school officials and parents; and

"(B) require educational organizations to submit appropriate information or assurances regarding such organizations' compliance with this section; and

"(2) take whatever other steps the Secretary determines are appropriate to enforce this section, including—

"(A) promulgating regulations;

"(B) establishing a complaint process;

"(C) referring complaints to the relevant Federal, State, or local authorities for appropriate action;

"(D) alerting educational agencies, schools, and parents to the practices of educational organizations that violate the provisions of this section; and

"(E) imposing civil fines (not to exceed $1,000 per violation) on educational organizations that knowingly violate this section.

"(d) DEFINITIONS.—As used in this section:

"(1) DISABILITY.—The term 'disability' has the same meaning given to such term by section 3(2) of the Americans with Disabilities Act of 1990.

"(2) EDUCATIONAL ORGANIZATION.—(A) Except as provided in subparagraphs (B) and (C), the term 'educational organization' means any organization or entity that—

"(i) provides an educational program for a fee; and

"(ii) recruits students through means such as commercial media, direct mailings, school recruitment programs, school administrators, teachers or staff, or current or former participants in an educational program offered by such organization or entity.

"(B) The definition in subparagraph (A) shall not include—

"(i) a local educational agency, State educational agency, a State department of education, or an elementary or secondary school as defined by the Elementary and Secondary Education Act of 1965;

"(ii) an institution of higher education as defined by section 1201(a) of the Higher Education Act of 1965; or

"(iii) a local organization sponsored by an elementary or secondary school, a recreational organization, an entertainment organization, a local sports activity group, or a social club.

"(C) For the purpose of subsection (a) only, such term does not include an organization or entity that provides an educational program if such organization or entity—

"(i) recruits, for participation in such program, solely through a local school official; and

"(ii) does not offer a local school official, teacher, or other school personnel compensation (other than compensation for actual expenses incurred in performing chaperon activities or for participating in separate, professionally-staffed teacher training and technical assistance seminars and workshops related to such program) or any other benefit for such recruitment.

"(3) EDUCATIONAL PROGRAM.—(A) Except as provided in subparagraph (B), the term 'educational program' means a special honors program, seminar, citizenship experience, government study program, educational vacation, student exchange program, or other educational experience or honor—

"(i) that is generally directed toward minors or secondary school students;

"(ii) for which a tuition or enrollment fee is charged;

"(iii) that is offered away from a student's regular place of school attendance;

"(iv) that includes not less than one supervised night away from home; and

"(v) that is intended to enhance a student's regular course of study.

"(B) Such term does not include a recreational program, or a social or religious activity.

"(4) LOCAL SCHOOL OFFICIAL.—The term 'local school official' means the highest administrative official serving a school district, or such individual's designee.

"(5) MINOR.—The term 'minor' means an individual who has not attained the age of 18 years.

"(6) MEMBERSHIP ORGANIZATION.—The term 'membership organization' includes any organization that maintains a membership list or collects dues or membership fees from its members.

"(7) RECREATIONAL ORGANIZATION.—The term 'recreational organization' includes any organization or entity that has as its primary function pleasure, amusement, or sports activities.

"(8) RECREATIONAL PROGRAM.—The term 'recreational program' includes any activity or service that is intended as an entertainment pastime.".

PART D—ADMINISTRATION OF EDUCATION PROGRAMS

SEC. 241. JOINT FUNDING OF PROGRAMS.

Section 430 of the Act (as redesignated by section 212(b)(1)) (20 U.S.C. 1231) is amended to read as follows:

"JOINT FUNDING OF PROGRAMS

"SEC. 430. (a)(1) The Secretary is authorized to enter into arrangements with other Federal agencies to jointly carry out projects of common interest, to transfer to such agencies funds appropriated under any applicable program, and to receive and use funds from such agencies, for projects of common interest.

"(2) Funds transferred or received pursuant to paragraph (1) shall be used only in accordance with the statutes authorizing the appropriation of such funds, and shall be made available by contract or grant only to recipients eligible to receive such funds under such statutes.

"(3) If the Secretary enters into an agreement under this subsection for the administration of a project, the agency administering the project shall use such agency's procedures to award contracts or grants and to administer such awards, unless the parties to the agreement specify the use of procedures of another agency that is a party to the agreement.

"(4) If the Secretary has entered into an agreement authorized under this subsection and the Secretary and the heads of the other agencies participating in the agreement determine that joint funding is necessary to address a special need consistent with the purposes and authorized activities of each program that provides funding under the joint project, the Secretary and the heads of the other participating agencies may develop a single set of criteria for the jointly funded project and require each applicant for such project to submit a single application for review by the participating agencies.

"(b) The Secretary may develop the criteria for, and require the submission of, joint applications under two or more applicable programs under which funds are awarded on a competitive basis, and may jointly review and approve such applications separately from

other applications under such programs, when the Secretary determines that such joint awards are necessary to address a special need consistent with the purposes and authorized activities of each such program. Any applicant for such a joint award shall meet the eligibility requirements of each such program.

"(c) The Secretary may not construe the provisions of this section to take precedence over a limitation on joint funding contained in an applicable statute.

"(d)(1) The Secretary shall provide notice to the Committee on Education and Labor of the House of Representatives and to the Committee on Labor and Human Resources of the Senate of each joint funding agreement made with other Federal agencies not later than 60 days after the making of such agreements.

"(2) Such notice shall include—

"(A) a description of the purpose and objectives of the joint funding arrangement;

"(B) the amounts and sources, by program, of the funds dedicated to such arrangement; and

"(C) the criteria developed to govern the award of contracts and grants.".

SEC. 242. COLLECTION AND DISSEMINATION OF INFORMATION.

Section 431 of the Act (as redesignated by section 212(b)(1)) (20 U.S.C. 1231a) is amended to read as follows:

"COLLECTION AND DISSEMINATION OF INFORMATION

"SEC. 422. The Secretary shall—

"(1) prepare and disseminate to State and local educational agencies and institutions information concerning applicable programs, and cooperate with other Federal officials who administer programs affecting education in disseminating information concerning such programs;

"(2) inform the public regarding federally supported education programs; and

"(3) collect data and information on applicable programs for the purpose of obtaining objective measurements of the effectiveness of such programs in achieving the intended purposes of such programs.".

SEC. 243. REVIEW OF APPLICATIONS.

Section 432 of the Act (as redesignated by section 212(b)(1)) (20 U.S.C. 1231b-2) is amended—

(1) in subsection (a)—

(A) by striking "Commissioner" and inserting "Secretary";

(B) by striking "and in the case of the program provided for in title I of the Elementary and Secondary Education Act of 1965,";

(C) in the third sentence by inserting a comma after "the hearing"; and

(D) in the fourth sentence—

(i) by striking the comma after "guidelines"; and

(ii) by inserting a comma after "program";

(2) in subsection (b), by striking "Commissioner" each place such term appears and inserting "Secretary"; and

(3) in subsection (d)—

(A) by striking "Commissioner" each place such term appears and inserting "Secretary"; and

(B) by inserting before the period "or issue such other orders as the Secretary may deem appropriate to achieve such compliance".

SEC. 244. PARENTAL INVOLVEMENT AND DISSEMINATION.

The matter preceding paragraph (1) of section 434 of the Act (as redesignated by section 212(b)(1)) (20 U.S.C. 1231d) is amended—

(1) in the first sentence—

(A) by striking "Commissioner" and inserting "Secretary"; and

(B) by striking "he" and inserting "the Secretary"; and

(2) in the second sentence by inserting "is made" after "such determination".

SEC. 245. USE OF FUNDS WITHHELD.

Section 435 of the Act (as redesignated by section 212(b)(1)) (20 U.S.C. 1231e) is amended to read as follows:

"USE OF FUNDS WITHHELD

"SEC. 435. (a) At any time that the Secretary makes an allotment or reallotment to any State under any applicable program, the Secretary shall reduce such allotment or reallotment by such amount as the Secretary determines such allotment or reallotment would have been reduced, had the data on which such allotment or reallotment is based excluded all data relating to local educational agencies of the State that, on the date of the Secretary's action, are ineligible to receive the Federal financial assistance involved because of failure to comply with title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, or the Age Discrimination Act of 1975.

"(b) The Secretary may use any funds withheld under subsection (a)—

"(1) to increase the allotments or reallotments of local educational agencies within the State that are not described in subsection (a), or the allotments or reallotment of all States, in accordance with the Federal law governing the program; or

"(2) for grants to local educational agencies of that State in accordance with section 405 of the Civil Rights Act of 1964, or for any other program administered by the Department that is designed to enhance equity in education or redress discrimination on the basis of race, color, national origin, sex, age, or disability.".

SEC. 246. APPLICATIONS.

Section 436 of the Act (as redesignated by section 212(b)(1)) (20 U.S.C. 1231g) is amended—

(1) in subsection (a), by striking "for three fiscal years" and inserting "for more than one fiscal year"; and

(2) by striking "Commissioner" each place such term appears and inserting "Secretary".

SEC. 247. REGULATIONS.

Section 437 of the Act (as redesignated by section 212(b)(1)) (20 U.S.C. 1232) is amended to read as follows:

"REGULATIONS

"SEC. 437. (a) For the purpose of this section, the term 'regulation' means any generally applicable rule, regulation, guideline, interpretation, or other requirement that—

"(1) is prescribed by the Secretary or the Department; and

"(2) has legally binding effect in connection with, or affecting, the provision of financial assistance under any applicable program.

"(b) Regulations shall contain, immediately following each substantive provision of such regulations, citations to the particular section or sections of statutory law or other legal authority on which such provision is based.

"(c) All regulations shall be uniformly applied and enforced throughout the 50 States.

"(d) The exemption for public property, loans, grants and benefits in section 553(a)(2) of title 5, United States Code, shall apply only to regulations—

"(1) that govern the first grant competition under a new or substantially revised program authority as determined by the Secretary; or

"(2) where the Secretary determines that the requirements of this subsection will cause extreme hardship to the intended beneficiaries of the program affected by such regulations.

"(e) Not later than 60 days after the date of enactment of any Act, or any portion of any Act, affecting the administration of any applicable program, the Secretary shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate a schedule in accordance with which the Secretary plans to promulgate final regulations that the Secretary determines are necessary to implement such Act or portion of such Act. Such schedule shall provide that all such final regulations shall be promulgated within 360 days after the date of enactment of such Act or portion of such Act.

"(f) Concurrently with the publication of any final regulations, the Secretary shall transmit a copy of such final regulations to the Speaker of the House of Representatives and the President pro tempore of the Senate.".

SEC. 248. RECORDS; REDUCTION IN RETENTION REQUIREMENTS.

Section 443 of the Act (as redesignated by section 212(b)(1)) (20 U.S.C. 1232f) is amended—

(1) in subsection (a)—

(A) by striking "grant, subgrant, contract, subcontract, loan, or other arrangement (other than procurement contracts awarded by an administrative head of an educational agency)" and inserting "grant, subgrant, cooperative agreement, loan, or other arrangement";

(B) by inserting "financial or programmatic" before "audit."; and

(C) in the last sentence, by striking "five" and inserting "three"; and

(2) in subsection (b), by striking "to any records of a recipient which may be related, or pertinent to, the grants, subgrants, contracts, subcontracts, loans, or other arrangements" and inserting "to any records maintained by a recipient that may be related, or pertinent to, grants, subgrants, cooperative agreements, loans, or other arrangements".

SEC. 249. PRIVACY RIGHTS.

Section 444 of the Act (as redesignated by section 212(b)(1)) (20 U.S.C. 1232g) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively;

(ii) by inserting after subparagraph (A) the following new subparagraph:

"(B) No funds under any applicable program shall be made available to any State educational agency (whether or not that agency is an educational agency or institution under this section) that has a policy of denying, or effectively prevents, the parents of students the right to inspect and review the education records maintained by the State educational agency on their children who are or have been in attendance at any school of an educational agency or institution that is subject to the provisions of this section.";

(iii) in clause (iii) of subparagraph (C) (as redesignated by clause (i)), by striking "(C)" and inserting "(D)"; and

(iv) in subparagraph (D) (as redesignated by clause (i)), by striking "(B)" and inserting "(C)"; and

(B) in paragraph (2), by striking "or other rights" and inserting "rights";

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (A), by inserting ", including the educational interests of the child for whom consent would otherwise be required" before the semicolon;

(ii) by amending subparagraph (E) to read as follows:

"(E) State and local officials or authorities to whom such information is specifically allowed to be reported or disclosed pursuant to State statute adopted—

"(i) before November 19, 1974, if the allowed reporting or disclosure concerns the juvenile justice system and such system's ability to effectively serve the student whose records are released, or

"(ii) after November 19, 1974, if—

"(I) the allowed reporting or disclosure concerns the juvenile justice system and such system's ability to effectively serve, prior to adjudication, the student whose records are released; and

"(II) the officials and authorities to whom such information is disclosed certify in writing to the educational agency or institution that the information will not be disclosed to any other party except as provided

under State law without the prior written consent of the parent of the student.";

(iii) in subparagraph (H), by striking "and" after the semicolon;

(iv) in subparagraph (I), by striking the period and inserting "; and"; and

(v) by adding at the end the following new subparagraph:

"(J)(i) the entity or persons designated in a Federal grand jury subpoena, in which case the court shall order, for good cause shown, the educational agency or institution (and any officer, director, employee, agent, or attorney for such agency or institution) on which the subpoena is served, to not disclose to any person the existence or contents of the subpoena or any information furnished to the grand jury in response to the subpoena; and

"(ii) the entity or persons designated in any other subpoena issued for a law enforcement purpose, in which case the court or other issuing agency may order, for good cause shown, the educational agency or institution (and any officer, director, employee, agent, or attorney for such agency or institution) on which the subpoena is served, to not disclose to any person the existence or contents of the subpoena or any information furnished in response to the subpoena.";

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking the period and inserting ", unless—"; and

(ii) in subparagraph (B), by inserting "except as provided in paragraph (1)(J)," before "such information"; and

(C) in subparagraph (B) of paragraph (4), by adding at the end the following new sentence: "If a third party outside the educational agency or institution permits access to information in violation of paragraph (2)(A), or fails to destroy information in violation of paragraph (1)(F), the educational agency or institution shall be prohibited from permitting access to information from education records to that third party for a period of not less than five years.";

(3) in subsection (c), by striking "The Secretary shall adopt appropriate regulations to" and inserting "Not later than 240 days after the date of enactment of the Improving America's Schools Act of 1994, the Secretary shall adopt appropriate regulations or procedures, or identify existing regulations or procedures, which";

(4) in subsection (e), by inserting "effectively" before "informs"; and

(5) by adding at the end the following new subsection:

"(h) Nothing in this section shall prohibit an educational agency or institution from—

"(1) including appropriate information in the education record of any student concerning disciplinary action taken against such student for conduct that posed a significant risk to the safety or well-being of that student, other students, or other members of the school community; or

"(2) disclosing such information to teachers and school officials, including teachers and school officials in other schools, who have legitimate educational interests in the behavior of the student.".

SEC. 250. ENFORCEMENT.

(a) RECOVERY OF FUNDS.—Section 452 of the Act (20 U.S.C. 1234a) is amended—

(1) in the first sentence of paragraph (2) of subsection (a), by striking "stating" and all that follows through the end of such sentence and inserting "establishing a prima facie case for the recovery of funds, including an analysis reflecting the value of the program services actually obtained in a determination of harm to the Federal interest.";

(2) in the first sentence of paragraph (1) of subsection (b), by striking "30" and inserting "60"; and

(3) in subsection (d), by—

(A) striking "(d) Upon" and inserting "(d)(1) Upon"; and

(B) adding at the end the following new paragraph:

"(2) During the conduct of such review, there shall not be any ex parte contact between the Secretary and individuals representing the Department or the recipient.".

(b) USE OF RECOVERED FUNDS.—Section 459 of the Act (20 U.S.C. 1234h) is amended—

(1) in paragraph (1) of subsection (a), by inserting ", provided that the recipient was notified of any noncompliance with such requirements and given a reasonable period of time to remedy such noncompliance" before the semicolon; and

(2) by amending subsection (c) to read as follows:

"(c) Notwithstanding any other provisions of law, the funds made available under this section shall remain available for expenditure for a period of time deemed reasonable by the Secretary, but in no case to exceed more than three fiscal years following the later of—

"(1) the fiscal year in which final agency action under section 452(e) is taken; or

"(2) if such recipient files a petition for judicial review, the fiscal year in which final judicial action under section 458 is taken.".

PART E—TECHNICAL AND CONFORMING AMENDMENTS

SEC. 261. TECHNICAL AND CONFORMING AMENDMENTS.

(a) PAYMENTS.—Section 423 of the Act (as redesignated by section 212(b)(1)) (20 U.S.C. 1226a–1) is amended by striking "Commissioner" and inserting "Secretary".

(b) PROGRAM PLANNING AND EVALUATION.—Section 426 of the Act (as redesignated by section 212(b)(1)) (20 U.S.C. 1228) is amended—

(1) by striking "title I of" and all that follows through "Congress)" and inserting "title VIII of the Elementary and Secondary Education Act of 1965"; and

(2) by striking "subparagraph (C) of section 3(d)(2) or section 403(1)(C) of that Act" and inserting "subsections (d) and (g) of section 8003 of such Act or residing on property described in section 8013(10) of such Act".

(c) Heading for Part C.—The heading for part C of the Act (20 U.S.C. 1230 et seq.) is amended by striking "COMMISSIONER OF EDUCATION" and inserting "SECRETARY".

(d) Section 439.—Section 439 of the Act (as redesignated by section 212(b)(1)) (20 U.S.C. 1232b) is amended by striking "Except for emergency relief under section 7 of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), all laborers" and inserting "All laborers".

(e) Section 440.—

(1) Amendment to heading.—The heading for section 440 of the Act (as redesignated by section 212(b)(1)) (20 U.S.C. 1232c) is amended by striking "EDUCATIONAL".

(2) Amendment to text.—Section 440 of the Act (as redesignated by section 212(b)(1)) (20 U.S.C. 1232c) is amended—

(A) by striking "Commissioner" each place such term appears and inserting "Secretary";

(B) by redesignating the matter following paragraph (3) of subsection (b) as subsection (c); and

(C) in subsection (c) (as redesignated by subparagraph (B)), by striking "paragraph (3)" and inserting "subsection (b)(3)".

(f) Section 441.—Section 441 of the Act (as redesignated by section 212(b)(1)) (20 U.S.C. 1232d) is amended—

(1) by striking "Commissioner" each place such term appears and inserting "Secretary"; and

(2) in the first sentence of subsection (a)—

(A) by striking the comma after "submits a plan";

(B) by striking ", in the case of programs under chapter 1 and chapter 2 of title I of the Elementary and Secondary Education Act of 1965,"; and

(C) by striking "title V of such Act" and inserting "part C of title V of the Elementary and Secondary Education Act of 1965".

(g) Section 442.—Section 442 of the Act (as redesignated by section 212(b)(1)) (20 U.S.C. 1232e) is amended—

(1) in subsection (a), by striking "that local education agency" and inserting "that local educational agency"; and

(2) in subsection (b)—

(A) in paragraph (2), by inserting a comma after "program";

(B) in paragraph (4), by striking "Commissioner" each place such term appears and inserting "Secretary"; and

(C) in subparagraph (B) of paragraph (7), by striking "handicapped individuals" and inserting "individuals with disabilities".

(h) Section 444.—Section 444 of the Act (as redesignated by section 212(b)(1) and amended by section 249) (20 U.S.C. 1232g) is further amended—

(1) in clause (ii) of subsection (a)(4)(B), by striking the period and inserting a semicolon;

(2) in subsection (b)—

(A) in subparagraph (C) of paragraph (1), by striking "(iii) an administrative head of an education agency (as defined in section 408(c)), or (iv)" and inserting "or (iii)";

(B) in subparagraph (H) of paragraph (1), by striking "1954" and inserting "1986"; and

(C) in paragraph (3)—

(i) by striking "(C) an administrative head of an education agency or (D)" and inserting "or (C)"; and

(ii) by striking "education program" and inserting "education programs";

(3) in subsection (d), by inserting a comma after "education";

(4) in subsection (f)—

(A) by striking ", or an administrative head of an education agency,";

(B) by striking "enforce provisions of this section" and inserting "enforce this section";

(C) by striking "according to the provisions of" and inserting "in accordance with"; and

(D) by striking "comply with the provisions of this section" and inserting "comply with this section"; and

(5) in subsection (g)—

(A) by striking "of Health, Education, and Welfare"; and

(B) by striking "the provisions of".

(i) CONFORMING AMENDMENT AND CROSS REFERENCES.—

(1) CARL D. PERKINS VOCATIONAL AND APPLIED TECHNOLOGY EDUCATION ACT.—Subsection (b) of section 504 of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2466a(b)) is amended—

(A) by striking "240-day" and inserting "360-day"; and

(B) by striking "431(g)" and inserting "437(e)".

(2) HIGHER EDUCATION ACT OF 1965.—Subsection (c) of section 556 of the Higher Education Act of 1965 (20 U.S.C. 1108d(c)) is amended by striking "435 and 436" and inserting "441 and 442".

(3) EDUCATION AND TRAINING FOR A COMPETITIVE AMERICA ACT OF 1988.—Paragraph (1) of section 6144 of the Education and Training for a Competitive America Act of 1988 (20 U.S.C. 5124(1)) is amended by striking "405(d)(4)(A)(i) of the General Education Provisions Act (20 U.S.C. 1221e(d)(4)(A)(i))" and inserting "section 941(h) of the Educational Research, Development, Dissemination, and Improvement Act of 1994 (20 U.S.C. 6041(h))".

PART F—RELATED AMENDMENTS TO OTHER ACTS

SEC. 271. DEPARTMENT OF EDUCATION ORGANIZATION ACT.

(a) REPEALS AND REDESIGNATIONS.—

(1) REPEALS.—Section 427 of the Department of Education Organization Act (20 U.S.C. 3487) (hereafter in this part referred to as the "Act") is repealed.

(2) REDESIGNATION.—Sections 209, 210, 211, 212, 214, 303, 304, 305, 306, 307, and 428 of the Act are redesignated as sections 208, 209, 210, 211, 212, 302, 303, 304, 305, 306, and 427 of the Act, respectively.

(3) CROSS REFERENCES.—(A) Paragraph (2) of section 401(b) of the Act (20 U.S.C. 3461(b)(2)) is amended by striking "209" and inserting "208".

(B) Paragraph (9) of section 912(l) of the Educational Research, Development, Dissemination, and Improvement Act of 1994 (20 U.S.C. 6011(l)(9)) is amended by striking "209" and inserting "208".

(b) GENDER EQUITY.—Subsection (b) of section 202 of the Act (20 U.S.C. 3412) is amended by inserting after paragraph (2) the following new paragraph:

"(3) There shall be in the Department, a Special Assistant for Gender Equity who shall be appointed by the Secretary. The Special Assistant shall promote, coordinate, and evaluate gender equity programs, including the dissemination of information, technical assistance, and coordination of research activities. The Special Assistant shall advise the Secretary and Deputy Secretary on all matters relating to gender equity.".

(c) OFFICE OF NON-PUBLIC EDUCATION.—Title II of the Act (20 U.S.C. 3411 et seq.) is amended by adding immediately before section 215 the following new section:

"OFFICE OF NON-PUBLIC EDUCATION

"SEC. 214. There shall be in the Department an Office of Non-Public Education to ensure the maximum potential participation of non-public school students in all Federal educational programs for which such students are eligible.".

(d) RULES; ACQUISITION AND MAINTENANCE OF PROPERTY.—Part B of title IV of the Act (20 U.S.C. 3471 et seq.) is amended—

(1) in section 414 (20 U.S.C. 1226a)—

(A) by striking "(a)"; and

(B) by striking subsection (b); and

(2) in section 421 (20 U.S.C. 1230), by inserting "and to accept donations of services," after "personal,".

(e) TABLE OF CONTENTS.—The table of contents contained in section 1 of the Act (20 U.S.C. 3401 note) is amended to read as follows:

"TABLE OF CONTENTS

"Sec. 1. Short title; table of contents.

"TITLE I—GENERAL PROVISIONS

"Sec. 101. Findings.
"Sec. 102. Purposes.
"Sec. 103. Federal-State Relationships.
"Sec. 104. Definitions.

"TITLE II—ESTABLISHMENT OF THE DEPARTMENT

"Sec. 201. Establishment.
"Sec. 202. Principal officers.
"Sec. 203. Office for Civil Rights.
"Sec. 204. Office of Elementary and Secondary Education.
"Sec. 205. Office of Postsecondary Education.
"Sec. 206. Office of Vocational and Adult Education.

"Sec. 207. Office of Special Education and Rehabilitative Services.
"Sec. 208. Office of Educational Research and Improvement.
"Sec. 209. Office of Bilingual Education and Minority Languages Affairs.
"Sec. 210. Office of General Counsel.
"Sec. 211. Office of Inspector General.
"Sec. 212. Office of Non-Public Education.
"Sec. 213. Office of Indian Education.
"Sec. 214. Office of Non-Public Education.
"Sec. 215. Office of Indian Education.
"Sec. 216. Office of Bilingual Education and Minority Languages Affairs.
"Sec. 217. Federal Interagency Committee on Education.

"TITLE III—TRANSFERS OF AGENCIES AND FUNCTIONS

"Sec. 301. Transfers from the Department of Health, Education, and Welfare.
"Sec. 302. Transfers from the Department of Labor.
"Sec. 303. Transfers of programs from the National Science Foundation.
"Sec. 304. Transfers from the Department of Justice.
"Sec. 305. Transfers from the Department of Housing and Urban Development.
"Sec. 306. Effect of transfers.

"TITLE IV—ADMINISTRATIVE PROVISIONS

"PART A—PERSONNEL PROVISIONS

"Sec. 401. Officers and employees.
"Sec. 402. Experts and consultants.
"Sec. 403. Personnel reduction and annual limitations.

"PART B—GENERAL ADMINISTRATIVE PROVISIONS

"Sec. 411. General authority.
"Sec. 412. Delegation.
"Sec. 413. Reorganization.
"Sec. 414. Rules.
"Sec. 415. Contracts.
"Sec. 416. Regional and field offices.
"Sec. 417. Acquisition and maintenance of property.
"Sec. 418. Facilities at remote locations.
"Sec. 419. Use of facilities.
"Sec. 420. Copyrights and patents.
"Sec. 421. Gifts and bequests.
"Sec. 422. Technical advice.
"Sec. 423. Working capital fund.
"Sec. 424. Funds transfer.
"Sec. 425. Seal of department.
"Sec. 426. Annual report.
"Sec. 427. Authorization of appropriations.

"TITLE V—TRANSITIONAL, SAVINGS, AND CONFORMING PROVISIONS

"Sec. 501. Transfer and allocation of appropriations and personnel.
"Sec. 502. Effect on personnel.
"Sec. 503. Agency terminations.
"Sec. 504. Incidental transfers.
"Sec. 505. Savings provisions.
"Sec. 506. Separability.
"Sec. 507. Reference.
"Sec. 508. Amendments.
"Sec. 509. Redesignation.
"Sec. 510. Coordination of programs affecting handicapped individuals.
"Sec. 511. Transition.

"TITLE VI—EFFECTIVE DATE AND INTERIM APPOINTMENTS

"Sec. 601. Effective date.
"Sec. 602. Interim appointments.".

SEC. 272. THE REHABILITATION ACT OF 1973.

Section 9 of the Rehabilitation Act of 1973 (29 U.S.C. 706) is repealed.

TITLE III—AMENDMENTS TO OTHER ACTS

PART A—AMENDMENTS TO THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT

SEC. 311. ALLOCATIONS UNDER SECTION 611.

(a) MAXIMUM AMOUNT.—Subsection (a) of section 611 of the Individuals with Disabilities Education Act (hereafter in this part referred to as the "Act") (20 U.S.C. 1411(a)) is amended—

(1) by amending paragraph (1) to read as follows:

"(1) Except as provided in paragraph (5), the maximum amount of the grant for which a State is entitled under this section for any fiscal year is—

"(A) the sum of—

"(i) the number of children with disabilities in the State, aged 6 through 21, who are receiving special education and related services, as determined under paragraph (3); and

"(ii) if the State is eligible for a grant under section 619, the number of such children in the State, aged 3 through 5; multiplied by

"(B) 40 percent of the average per-pupil expenditure in public elementary and secondary schools in the United States.";

(2) by amending paragraph (2) to read as follows:

"(2) For the purpose of this section, the term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico."; and

(3) in subparagraph (A) of paragraph (5)—

(A) in clause (i)—

(i) by striking "and the State" and inserting ", or the combined percentage of such children counted by the Secretary for the purpose of making fiscal year 1994 allocations under this section and under subpart 2 of part D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (as such subpart was in effect on the day preceding the date of enactment of the Improving America's Schools Act of 1994), whichever is greater, if the State"; and

(ii) by inserting "and" after the comma at the end;

(B) in clause (ii)—

(i) by striking "and the State" and inserting ", or the combined percentage of such children counted by the Secretary for the purpose of making fiscal year 1994 allocations under this section and under subpart 2 of part D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (as such subpart was in effect on the day preceding the date of enactment of the Improving America's Schools Act of 1994), whichever is greater, if the State"; and

(ii) by striking "; and" and inserting a period; and

(C) by striking clause (iii).

(b) STATE USES.—Subsection (b) of section 611 of the Act (20 U.S.C. 1411(b)) is amended to read as follows:

"(b)(1) Notwithstanding subsections (a) and (g), no State shall receive an amount under this section for any of the fiscal years 1995 through 1999 that is less than the sum of the amount such State received for fiscal year 1994 under—

"(A) this section; and

"(B) subpart 2 of part D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (as such subpart was in effect on the day preceding the date of enactment of the Improving America's Schools Act of 1994) for children with disabilities aged 3 through 21.

"(2) If, for fiscal year 1998 or 1999, the number of children determined under subsection (a)(3) for any State is less than the total number of children with disabilities, aged 3 through 21, counted for that State's fiscal year 1994 grants under this section and under subpart 2 of part D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (as such subpart was in effect on the day preceding the date of enactment of the Improving America's Schools Act of 1994), then the amount determined under paragraph (1) for that State shall be reduced by the same percentage by which the number of those children so declined.

"(3)(A) If the sums made available under this part for any fiscal year are insufficient to pay the full amounts that all States are eligible to receive under paragraphs (1) and (2) for such year, the Secretary shall ratably reduce the allocations to such States for such year.

"(B) If additional funds become available for making payments under paragraphs (1) and (2) for such fiscal year, allocations that were reduced under subparagraph (A) shall be increased on the same basis as such allocations were reduced.".

(c) DISTRIBUTION.—Subsection (c) of section 611 of the Act (20 U.S.C. 1411(c)) is amended—

(1) by amending paragraph (1) to read as follows:

"(1) Of the funds received under subsection (a) by any State for any fiscal year—

"(A) a State may use not more than 25 percent of such funds in accordance with paragraph (2); and

"(B) except as provided in paragraph (4), the State shall distribute at least 75 percent of such funds to local educational agencies and intermediate educational units, in accordance with subsection (d), for use in accordance with priorities established under section 612(3)."; and

(2) in paragraph (2), by amending subparagraph (A) to read as follows:

"(A) From the funds that any State may use under paragraph (1)(A) for any fiscal year, the State—

"(i) may use 5 percent of the funds received under this section or $450,000, whichever is greater, for administrative costs related to carrying out sections 612 and 613; and

"(ii) shall use the remainder—

"(I) to provide support services and direct services, subject to subparagraph (B), in accordance

with priorities established under section 612(3); and

"(II) for the administrative costs of monitoring and complaint investigation, but only to the extent that such costs exceed the costs of administration incurred during fiscal year 1985.".

(d) FORMULA.—Subsection (d) of section 611 of the Act (20 U.S.C. 1411(d)) is amended to read as follows:

"(d)(1) From the total amount of funds available for any fiscal year under subsection (c)(1)(B), the State shall provide to each local educational agency or intermediate educational unit an amount that bears the same ratio to such total amount as the number of children, aged 3 through 21, determined under subsection (a)(3) for such agency or unit bears to the total number of such children determined for all such agencies and units that apply for such funds.

"(2)(A) To the extent necessary, the State—

"(i) shall use funds available under subsection (c)(2)(A)(ii) to ensure that each State agency that received funds for fiscal year 1994 under subpart 2 of part D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (as such subpart was in effect on the day preceding the date of enactment of the Improving America's Schools Act of 1994) receives, from the sum of such funds and funds provided under paragraph (1), an amount equal to—

"(I) the number of children, aged 6 through 21, determined under subsection (a)(3) for such agency; multiplied by

"(II) the per-child amount provided under such subpart for fiscal year 1994; and

"(ii) may use such funds to ensure that each local educational agency that received for fiscal year 1994 under such subpart for children who had transferred from a State-owned, State-operated, or State-supported school or program assisted under such subpart receives, from the sum of such funds and funds provided under paragraph (1), an amount for each such child, aged 3 through 21, determined under subsection (a)(3) for such agency, equal to the per-child amount the agency received under such subpart for fiscal year 1994.

"(B) For the purpose of subparagraph (A), the number of children determined under subsection (a)(3) for any State agency or local educational agency shall not exceed the number of children aged 3 through 21 for whom such agency received funds under such subpart for such fiscal year.".

(e) JURISDICTIONS.—Paragraph (1) of section 611(e) of the Act (20 U.S.C. 1411(e)(1)) is amended to read as follows:

"(1) The jurisdictions to which this subsection applies are Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, and Palau (until the Compact of Free Association with the Government of Palau takes effect).".

(f) INSUFFICIENT APPROPRIATIONS.—Subsection (g) of section 611 of the Act (20 U.S.C. 1411(g)) is amended to read as follows:

"(g)(1)(A) If the sums appropriated under subsection (h) for any fiscal year are not sufficient to pay in full the total of the amounts

that all States are eligible to receive under subsection (a), each such amount shall be ratably reduced.

"(B) If additional funds become available for making such payments for any fiscal year, such reduced amounts shall be increased on the same basis as such payments were reduced.

"(C) Any State that receives any such additional funds shall distribute such funds in accordance with this section, except that any State that has used funds available under subsection (c)(2)(A)(ii) for the purposes described in subsection (d)(2) may—

"(i) deduct, from the amount that the State would otherwise be required to make available to local educational agencies and intermediate educational units, the same amount of such additional funds as the State so used; and

"(ii) use such funds in accordance with subsection (c)(2)(A)(ii).

"(2)(A) In any fiscal year for which payments have been reduced and additional funds have not been made available under paragraph (1) to pay in full the amounts for which all States are eligible under this section, each State educational agency shall fix dates by which each local educational agency or intermediate educational unit shall report to the State agency the amount of funds available to such agency under this section that such agency estimates such agency will expend.

"(B) The State educational agency shall, in accordance with this section, reallocate any funds that the State educational agency determines will not be used during the period of availability by local educational agencies and intermediate educational units, and by any such agency or unit to which such funds would be available if such agency or unit applied for such funds under this part, to those local educational agencies and intermediate educational units that the State educational agency determines will need, and be able to use, additional funds to carry out approved programs.".

SEC. 312. TREATMENT OF CHAPTER 1 STATE AGENCIES.

Part B of the Act (20 U.S.C. 1411 et seq.) is further amended by inserting after section 614 the following new section:

"TREATMENT OF CHAPTER 1 STATE AGENCIES

"SEC. 614A. (a) For the purpose of making payments under sections 611 and 619 of this Act, any State agency that received funds for fiscal year 1994 under subpart 2 of part D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (as such subpart was in existence on the day preceding the date of enactment of the Improving America's Schools Act of 1994) shall be treated as if the State agency were a local educational agency.

"(b) Any State agency which desires to receive payments under section 611(d) and section 619(c)(3) for any fiscal year shall submit an application to the State educational agency. Such application shall—

"(1) include an assurance that all children with disabilities who are participating in programs and projects funded under this part receive a free appropriate public education, and that such children and their parents are provided all the rights and procedural safeguards described in this part; and

"(2) meet those requirements of section 614 that the Secretary finds appropriate.

"(c) Section 611(c)(4) shall not apply with respect to a State agency that is eligible for a payment under this part by application of this section.".

SEC. 313. INFANTS AND TODDLERS WITH DISABILITIES.

(a) AMENDMENT.—Subsection (c) of section 684 of the Act (20 U.S.C. 1484) is amended—

(1) by redesignating paragraph (2) as paragraph (6);

(2) by amending paragraph (1) to read as follows:

"(1) Except as provided in paragraphs (3), (4), and (5) from the funds remaining for each fiscal year after the reservation and payments under subsections (a) and (b), the Secretary shall first allot to each State an amount that bears the same ratio to the amount of such remainder as the number of infants and toddlers in the State bears to the number of infants and toddlers in all States."; and

(3) by inserting after paragraph (1) the following new paragraphs:

"(2) For fiscal year 1995 only, the Secretary shall allot $34,000,000 of the remaining funds described in paragraph (1) among the States in proportion to their relative numbers of infants and toddlers with disabilities who—

"(A) are counted on December 1, 1994; and

"(B) would have been eligible to be counted under section 1221(c)(1) of the Elementary and Secondary Education Act of 1965 (as such section was in effect on the day preceding the date of the enactment of the Improving America's Schools Act of 1994).

"(3) Except as provided in paragraphs (4) and (5), no State shall receive an amount under this section for any fiscal year that is less than the greater of—

"(A) one-half of one percent of the remaining amount described in paragraph (1), excluding any amounts allotted under paragraph (2); or

"(B) $500,000.

"(4)(A) Except as provided in paragraph (5), no State shall receive an amount under this section for any of the fiscal years 1995 through 1999 that is less than the sum of the amount such State received for fiscal year 1994 under—

"(i) this part; and

"(ii) subpart 2 of part D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (as such subpart was in existence on the day preceding the date of enactment of the Improving America's Schools Act of 1994) for children with disabilities from birth through age 2.

"(B) If, for fiscal year 1998 or 1999, the number of infants and toddlers in any State, as determined under paragraph (1), is less than the number of infants and toddlers so determined for fiscal year 1994, the amount determined under subparagraph (A) for that State shall be reduced by the same percentage by which the number of those infants and toddlers so declined.

"(5)(A) If the sums made available under this part for any fiscal year are insufficient to pay the full amounts that all States are eligible to receive under this subsection for such year, the Secretary shall ratably reduce the allocations to such States for such year.

"(B) If additional funds become available for making payments under this subsection for such fiscal year, allocations that were reduced under subparagraph (A) shall be increased on the same basis as such allocations were reduced.".

(b) EFFECTIVE DATE.—Subsection (a) and the amendments made by subsection (a) shall take effect on October 1, 1994.

SEC. 314. LOCAL CONTROL OVER VIOLENCE.

(a) AMENDMENTS.—

(1) IN GENERAL.—Paragraph (3) of section 615(e) of the Act (20 U.S.C. 1415(e)(3)) is amended—

(A) by striking "During" and inserting "(A) Except as provided in subparagraph (B), during"; and

(B) by adding at the end the following new subparagraph:

"(B)(i) Except as provided in clause (iii), if the proceedings conducted pursuant to this section involve a child with a disability who is determined to have brought a weapon to school under the jurisdiction of such agency, then the child may be placed in an interim alternative educational setting, in accordance with State law, for not more than 45 days.

"(ii) The interim alternative educational setting described in clause (i) shall be decided by the individuals described in section 602(a)(20).

"(iii) If a parent or guardian of a child described in clause (i) requests a due process hearing pursuant to paragraph (2) of subsection (b), then the child shall remain in the alternative educational setting described in such clause during the pendency of any proceedings conducted pursuant to this section, unless the parents and the local educational agency agree otherwise.

"(iv) For the purpose of this section, the term 'weapon' means a firearm as such term is defined in section 921 of title 18, United States Code.".

(2) EFFECTIVE DATE.—Paragraph (1) and the amendments made by paragraph (1) shall be effective during the period beginning on the date of enactment of this Act and ending on the date of enactment of an Act (enacted after the date of the enactment of this Act) that reauthorizes the Individuals with Disabilities Education Act.

(b) LIMITATION.—Nothing in the Individuals with Disabilities Education Act shall supersede the provisions of section 14601 of the Elementary and Secondary Education Act if a child's behavior is unrelated to such child's disability, except that this section shall be interpreted in a manner that is consistent with the Department's final guidance concerning State and local responsibilities under the Gun-Free Schools Act of 1994.

SEC. 315. FAMILY SUPPORT FOR FAMILIES OF CHILDREN WITH DISABILITIES.

The Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) is amended by adding at the end the following new part:

"PART I—FAMILY SUPPORT

"SEC. 701. SHORT TITLE.

"This part may be cited as the 'Families of Children With Disabilities Support Act of 1994'.

"SEC. 702. FINDINGS, PURPOSES, AND POLICY.

"(a) FINDINGS.—The Congress makes the following findings:

"(1) It is in the best interest of our Nation to preserve, strengthen, and maintain the family.

"(2) Families are the greatest natural resource available to their children and are the major providers of support, care, and training of their children.

"(3) Families of children with disabilities enrich the lives of all citizens through the contributions of such families to the economic, health, and social fabric of their community, State, and Nation.

"(4) A growing number of families are searching for ways to empower themselves to raise their children with disabilities at home and in their communities. Supporting such families to enable them to care for their children with disabilities at home is efficient and can be cost-effective.

"(5) Children, including children with disabilities, benefit from enduring family relationships in a nurturing home environment.

"(6) Many families experience exceptionally high financial outlays and significant physical and emotional challenges in meeting the special needs of their children with disabilities.

"(7) There are financial disincentives for families to care for their children with disabilities at home.

"(8) Most families of children with disabilities do not have access to family-centered and family-directed services to support such families in their efforts to care for their children with disabilities at home.

"(9) There is a need in each State for a comprehensive, coordinated, interagency system of family support for families of children with disabilities that is family-centered and family-directed, is easily accessible, avoids duplication, uses existing resources more efficiently, and prevents gaps in services to families in all areas of the State.

"(10) The goals of the Nation properly include the goal of providing families of children with disabilities the family support necessary to accomplish the following:

"(A) To support the family.

"(B) To enable families of children with disabilities to nurture and enjoy their children at home.

"(C) To enable families of children with disabilities to make informed choices and decisions regarding the nature

of services, supports, and resources made available to such families.

"(b) PURPOSES.—The purposes of this part are as follows:

"(1) To provide financial assistance to the States to support systems change activities designed to assist each State to develop and implement, or expand and enhance, a family-centered and family-directed, culturally competent, community-centered, comprehensive, statewide system of family support for families of children with disabilities that is designed to—

"(A) ensure the full participation, choice and control of families of children with disabilities in decisions related to the provision of such family support for their family;

"(B) ensure the active involvement of families of children with disabilities in the planning, development, implementation, and evaluation of such a statewide system;

"(C) increase the availability of, funding for, access to, and provision of family support for families of children with disabilities;

"(D) promote training activities that are family-centered and family-directed and that enhance the ability of family members of children with disabilities to increase participation, choice, and control in the provision of family support for families of children with disabilities;

"(E) increase and promote interagency coordination among State agencies, and between State agencies and private entities that are involved in carrying out activities under section 708; and

"(F) increase the awareness of laws, regulations, policies, practices, procedures, and organizational structures, which facilitate or impede the availability or provision of family support for families of children with disabilities.

"(2) To enhance the ability of the Federal Government to—

"(A) identify Federal policies that facilitate or impede family support for families of children with disabilities, and that are consistent with the principles in subsection (c);

"(B) provide States with technical assistance and information relating to the provision of family support for families of children with disabilities;

"(C) conduct an evaluation of the program of grants to States; and

"(D) provide funding for model demonstration and innovation projects.

"(c) POLICY.—It is the policy of the United States that all programs, projects, and activities receiving assistance under this part shall be family-centered and family-directed and shall be carried out in a manner consistent with the following principles:

"(1) Family support for families of children with disabilities must focus on the needs of the entire family.

"(2) Families of children with disabilities should be supported in determining their needs and in making decisions concerning necessary, desirable, and appropriate services.

"(3) Families should play decisionmaking roles in policies and programs that affect the lives of such families.

“(4) Family needs change over time and family support for families of children with disabilities must offer options that are flexible and responsive to the unique needs and strengths and cultural values of individual families.

“(5) Family support for families of children with disabilities is proactive and not solely in response to a crisis.

“(6) Families must be supported in their efforts to promote the integration and inclusion of their children with disabilities into all aspects of community life.

“(7) Family support for families of children with disabilities should promote the use of existing social networks, strengthen natural sources of support, and help build connections to existing community resources and services.

“(8) Youth with disabilities should be involved in decision-making about their own lives, consistent with the unique strengths, resources, priorities, concerns, abilities, and capabilities of each such youth.

“(9) Services and supports must be provided in a manner that demonstrates respect for individual dignity, personal responsibility, self-determination, personal preferences, and cultural differences of families.

“(d) Rule of Construction.—Nothing in this part shall be construed to prevent families from choosing an out-of-home placement for their children with disabilities, including institutional placement for such children.

“SEC. 703. DEFINITIONS.

“For the purposes of this part, only the following definitions shall apply:

“(1) Child with a disability.—The term ‘child with a disability’ means an individual who from birth through 21 years of age meets the definition of disability under paragraph (4).

“(2) Council.—The term ‘Council’ means an existing Council, or a new Council, which is considered as a State Policy Council for Families of Children with Disabilities under section 707.

“(3) Culturally competent.—The term ‘culturally competent’ means services, supports, or other assistance that is conducted or provided in a manner that—

“(A) is responsive to the beliefs, interpersonal styles, attitudes, language, and behaviors of those individuals receiving services; and

“(B) has the greatest likelihood of ensuring maximum participation of such individuals.

“(4) Disability.—The term ‘disability’ means—

“(A) in the case of an individual 6 years of age or older, a significant physical or mental impairment as defined pursuant to State policy to the extent that such policy is established without regard to type of disability; and

“(B) in the case of infants and young children, birth to age 5, inclusive, a substantial developmental delay or specific congenital or acquired conditions with a high probability of resulting in a disability if services are not provided.

"(5) EXISTING COUNCIL.—The term 'existing Council' means an entity or a committee of an entity that—

"(A) is established by a State prior to the date on which the State submits an application for funding under this part;

"(B) has authority to advise the State with respect to family support for families of children with disabilities; and

"(C) may have the authority to carry out other responsibilities and duties.

"(6) FAMILY.—The term 'family' means a group of interdependent persons residing in the same household that consists of a child with a disability and one or more of the following:

"(A) A mother, father, brother, sister or any combination.

"(B) Extended blood relatives, such as a grandparent, aunt, or uncle.

"(C) An adoptive parent.

"(D) One or more persons to whom legal custody of a child with a disability has been given by a court.

"(E) A person providing short-term foster care that includes a family reunification plan with the biological family.

"(F) A person providing long-term foster care for a child with a disability.

The term does not include employees who, acting in their paid employment capacity, provide services to children with disabilities in out-of-home settings such as hospitals, nursing homes, personal care homes, board and care homes, group homes, or other facilities.

"(7) FAMILY-CENTERED AND FAMILY-DIRECTED.—The term 'family-centered and family-directed' means, with respect to a service or program, that the service or program—

"(A) facilitates the full participation, choice, and control by families of children with disabilities in—

"(i) decisions relating to the supports that will meet the priorities of the family; and

"(ii) the planning, development, implementation, and evaluation of the statewide system of family support for families of children with disabilities;

"(B) responds to the needs of the entire family of a child with a disability in a timely and appropriate manner; and

"(C) is easily accessible to and usable by families of children with disabilities.

"(8) FAMILY SATISFACTION.—The term 'family satisfaction' means the extent to which a service or support meets a need, solves a problem, or adds value for a family, as determined by the individual family.

"(9) FAMILY SUPPORT FOR FAMILIES OF CHILDREN WITH DISABILITIES.—The term 'family support for families of children with disabilities'—

"(A) means supports, resources, services, and other assistance provided to families of children with disabilities that are designed to—

"(i) support families in the efforts of such families to raise their children with disabilities in the family home;

"(ii) strengthen the role of the family as primary caregiver;

"(iii) prevent inappropriate and unwanted out-of-the-home placement and maintain family unity; and

"(iv) reunite families with children with disabilities who have been placed out of the home, whenever possible; and

"(B) includes—

"(i) service coordination that includes individualized planning and brokering for services with families in control of decisionmaking;

"(ii) goods and services, which may include specialized diagnosis and evaluation, adaptive equipment, respite care (in and out of the home), personal assistance services, homemaker or chore services, behavioral supports, assistive technology services and devices, permanency or future planning, home and vehicle modifications and repairs, equipment and consumable supplies, transportation, specialized nutrition and clothing, counseling services and mental health services for family members, family education or training services, communication services, crisis intervention, day care and child care for a child with a disability, supports and services for integrated and inclusive community activities, parent or family member support groups, peer support, sitter service or companion service, and education aids; and

"(iii) financial assistance, which may include discretionary cash subsidies, allowances, voucher or reimbursement systems, low-interest loans, or lines of credit.

"(10) INTEGRATION AND INCLUSION.—The term 'integration and inclusion' with respect to children with disabilities and their families means—

"(A) the use of the same community resources that are used by and available to other individuals and families;

"(B) the full and active participation in the same community activities and utilization of the same community resources as individuals without disabilities, living, learning, working, and enjoying life in regular contact with individuals without disabilities; and

"(C) having friendships and relationships with individuals and families of their own choosing.

"(11) LEAD ENTITY.—The term 'lead entity' means an office or entity described in section 706.

"(12) NEW COUNCIL.—The term 'new Council' means a council that is established by a State, and considered as the

State Policy Council for Families of Children with Disabilities, under section 707(a).

"(13) SECRETARY.—The term 'Secretary' means the Secretary of Health and Human Services.

"(14) SERVICE COORDINATION.—The term 'service coordination'—

"(A) means those family-centered and family-directed activities that assist and enable families to receive rights and procedural safeguards and to gain access to social, medical, legal, educational, and other supports and services; and

"(B) includes—

"(i) follow-along services that assure, through a continuing relationship between a family of a child with a disability and an individual or entity, that the changing needs of the child and family are recognized and appropriately met;

"(ii) the coordination and monitoring of services provided to children with disabilities and their families;

"(iii) the provision of information to children with disabilities and their families about the availability of services and assistance to such children and their families in obtaining appropriate services; and

"(iv) the facilitation and organization of existing social networks, and natural sources of support, and community resources and services.

"(15) STATEWIDE SYSTEM OF FAMILY SUPPORT.—The term 'statewide system of family support for families of children with disabilities' means a family-centered and family-directed, culturally competent, community-centered, comprehensive, statewide system of family support for families of children with disabilities developed and implemented by a State under this part that—

"(A) addresses the needs of all families of children with disabilities, including unserved and underserved populations; and

"(B) addresses such needs without regard to the age, type of disability, race, ethnicity, or gender of such children or the particular major life activity for which such children need the assistance.

"(16) SYSTEMS CHANGE ACTIVITIES.—The term 'systems change activities' means efforts that result in laws, regulations, policies, practices, or organizational structures—

"(A) that are family-centered and family-directed;

"(B) that facilitate and increase access to, provision of, and funding for, family support services for families of children with disabilities; and

"(C) that otherwise accomplish the purposes of this part.

"(17) UNSERVED AND UNDERSERVED POPULATIONS.—The term 'unserved and underserved populations' includes populations such as individuals from racial and ethnic minority

backgrounds, economically disadvantaged individuals, individuals with limited-English proficiency, individuals from underserved geographic areas (rural or urban), and specific groups of individuals within the population of individuals with disabilities, including individuals with disabilities attributable to physical impairment, mental impairment, or a combination of physical and mental impairments.

"SEC. 704. GRANTS TO STATES.

"(a) IN GENERAL.—The Secretary shall make grants to States on a competitive basis, in accordance with the provisions of this part, to support systems change activities designed to assist States to develop and implement, or expand and enhance, a statewide system of family support for families of children with disabilities that accomplishes the purposes described in section 702.

"(b) AWARD PERIOD AND GRANT LIMITATION.—No grant shall be awarded for a period greater than 3 years. A State shall be eligible for not more than one grant.

"(c) AMOUNT OF GRANTS.—

"(1) GRANTS TO STATES.—

"(A) FEDERAL MATCHING SHARE.—From amounts appropriated under section 716(a), the Secretary shall pay to each State that has an application approved under section 705, for each year of the grant period, an amount that is—

"(i) equal to 75 percent of the cost of the systems change activities to be carry out by the State; and

"(ii) not less than $200,000 and not more than $500,000.

"(B) NON-FEDERAL SHARE.—The non-Federal share of payments under this paragraph may be in cash or in kind fairly evaluated, including planned equipment or services.

"(2) GRANTS TO TERRITORIES.—From amounts appropriated under section 716(a) for any fiscal year, the Secretary shall pay to each territory that has an application approved under section 705 not more than $100,000.

"(3) CALCULATION OF AMOUNTS.—The Secretary shall calculate a grant amount described in paragraph (1) or (2) on the basis of the following:

"(A) The amounts available for making grants under this section.

"(B) The child population of the State or territory concerned.

"(4) DEFINITIONS.—As used in this subsection:

"(A) STATE.—The term 'State' means each of the 50 States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

"(B) TERRITORY.—The term 'territory' means the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, or the Republic of Palau (upon the entry into force and effect of the Compact of Free Association between the United States and the Republic of Palau).

"(d) PRIORITY FOR PREVIOUSLY PARTICIPATING STATES.—Amounts appropriated for purposes of carrying out the provisions of this section in each of the 2 fiscal years succeeding the fiscal year *in which amounts are first appropriated for such purposes shall first be made available to a State that—*

"(1) received a grant under this section during the fiscal year preceding the fiscal year concerned; and

"(2) is making significant progress in accordance with section 710.

"(e) PRIORITIES FOR DISTRIBUTION.—To the extent practicable, the Secretary shall award grants to States under this section in a manner that—

"(1) is geographically equitable; and

"(2) distributes the grants among States that have differing levels of development of statewide systems of family support for families of children with disabilities.

"SEC. 705. APPLICATION.

"A State that desires to receive a grant under this part shall submit an application to the Secretary that contains the following information and assurances:

"(1) FAMILY-CENTERED AND FAMILY-DIRECTED APPROACH.—An assurance that the State will use funds made available under this part to accomplish the purposes described in section 702 and the goals, objectives, and family-centered outcomes described in section 709(b) by carrying out systems change activities in partnership with families and in a manner that is family-centered and family-directed.

"(2) DESIGNATION OF THE LEAD ENTITY.—Information identifying the lead entity, and evidence documenting the abilities of such entity.

"(3) STATE POLICY COUNCIL FOR FAMILIES OF CHILDREN WITH DISABILITIES.—An assurance of the following:

"(A) The State has designated or established Council that meets the criteria set forth in section 707.

"(B) The lead entity will seek and consider on a regular and ongoing basis advice from the Council regarding the development and implementation of the strategic plan under section 709, and other policies and procedures of general applicability pertaining to the provision of family support for families of children with disabilities in the State.

"(C) The lead entity will include, in its annual progress reports, a summary of advice provided by the Council, including recommendations from the annual report of the Council and the response of the lead entity to such advice and recommendations.

"(D) The lead entity will transmit to the Council any other plans, reports, and other information required under this part.

"(4) FAMILY INVOLVEMENT.—A description of the following:

"(A) The nature and extent of the involvement of families of children with disabilities and individuals with disabilities in the development of the application.

"(B) Strategies for actively involving families of children with disabilities and individuals with disabilities in the development, implementation, and evaluation of the

statewide system of family support for families of children with disabilities.

"(C) Strategies and special outreach activities that will be undertaken to ensure the active involvement of families of children with disabilities who are members of unserved and underserved populations.

"(D) Strategies for actively involving families of children with disabilities who use family support services in decisions relating to such services.

"(5) AGENCY INVOLVEMENT.—A description of the nature and extent of involvement of various State agencies or units within State agencies in the preparation of the application and the continuing role of each agency in the statewide system of family support for families of children with disabilities.

"(6) STATE RESOURCES.—A description of the State resources and other resources that are available to commit to the statewide system of family support for families of children with disabilities.

"(7) UNMET NEEDS.—A description of unmet needs for family support for families of children with disabilities within the State.

"(8) PRELIMINARY PLAN.—A preliminary plan that contains information on the program to be carried out under the grant with respect to the goals and objectives of the State for the program and the activities that the State plans to carry out under the program (including the process for appointing individuals to the Council) and that is consistent with the purposes of this part.

"(9) ACTIVITIES.—An assurance that, except for the first year of the grant, the State shall expend not less than 65 percent of the funds made available to a State under this part for grants and contracts to conduct the activities described in section 708.

"(10) LIMIT ON ADMINISTRATIVE COSTS.—An assurance that the lead entity that receives funding under this part in any fiscal year shall use not more than 5 percent of such funds in such year for administrative expenses. Such administrative expenses shall not include expenses related to the activities of the Council.

"(11) STRATEGIC PLAN.—A description of the measures that will be taken by the State to develop a strategic plan in accordance with section 709.

"(12) EVALUATION.—An assurance that the State will conduct an annual evaluation of the statewide system of family support for families of children with disabilities in accordance with section 710.

"(13) COORDINATION WITH STATE AND LOCAL COUNCILS.—An assurance that the lead entity will coordinate the activities funded through a grant made under this part with the activities carried out by other relevant councils within the State.

"(14) SUPPLEMENT OTHER FUNDS.—An assurance, with respect to amounts received under a grant, of the following:

"(A) Such grant will be used to supplement and not supplant amounts available from other sources that are expended for programs of family support for families of children with disabilities, including the provision of family support.

"(B) Such grant will not be used to pay a financial obligation for family support for families of children with disabilities that would have been paid with amounts available from other sources if amounts under such grant had not been available.

"(15) OTHER INFORMATION AND ASSURANCES.—Such other information and assurances as the Secretary may reasonably require.

"SEC. 706. DESIGNATION OF THE LEAD ENTITY.

"(a) DESIGNATION.—The Chief Executive Officer of a State that desires to receive a grant under section 704, shall designate the office or entity (referred to in this part as the "lead entity ") responsible for—

"(1) submitting the application under section 705 on behalf of the State;

"(2) administering and supervising the use of the amounts made available under the grant;

"(3) coordinating efforts related to and supervising the preparation of the application;

"(4) coordinating the planning, development, implementation (or expansion and enhancement), and evaluation of a statewide system of family support services for families of children with disabilities among public agencies and between public agencies and private agencies, including coordinating efforts related to entering into interagency agreements; and

"(5) coordinating efforts related to the meaningful participation by families in activities carried out under a grant awarded under this part.

"(b) QUALIFICATIONS.—In designating the lead entity, the Chief Executive Officer may designate—

"(1) an office of the Chief Executive Officer;

"(2) a commission appointed by the Chief Executive Officer;

"(3) a public agency;

"(4) a council established under Federal or State law; or

"(5) another appropriate office, agency, or entity.

"(c) CAPABILITIES OF THE LEAD ENTITY.—The State shall provide, in accordance with the requirements of section 705, evidence that the lead entity has the capacity—

"(1) to promote a statewide system of family support for families of children with disabilities throughout the State;

"(2) to promote and implement systems change activities;

"(3) to maximize access to public and private funds for family support services for families of children with disabilities;

"(4) to implement effective strategies for capacity building, family and professional training, and access to and funding for family support services for families of children with disabilities across agencies;

"(5) to promote and facilitate the implementation of family support services for families of children with disabilities that

are family-centered and family-directed, and flexible, and that provide families with the greatest possible decisionmaking authority and control regarding the nature and use of services and supports;

"(6) to promote leadership by families in planning, policy development, implementation, and evaluation of family support services for families of children with disabilities, and parent-professional partnerships; and

"(7) to promote and develop interagency coordination and collaboration.

"SEC. 707. STATE POLICY COUNCIL FOR FAMILY SUPPORT FOR FAMILIES OF CHILDREN WITH DISABILITIES.

"(a) DESIGNATION OR ESTABLISHMENT.—A State that desires to receive financial assistance under this part shall, prior to the receipt of funds under this part, designate an existing Council, or establish a new Council, to be considered as a State Policy Council for Families of Children with Disabilities.

"(b) USE OF EXISTING COUNCIL.—

"(1) IN GENERAL.—To the extent that a State has an existing Council, the existing Council shall be considered in compliance with this section if the existing Council meets the requirements under paragraph (2).

"(2) REQUIREMENTS.—An existing Council shall—

"(A) include a majority of members who are family members of children with disabilities and who are children with disabilities (from age 18 to 21);

"(B) in the case in which the existing Council does not represent the full range of families and individuals described in subsection (d)(1), adopt strategies that will ensure the full participation of such families and individuals in all activities carried out by the Council; and

"(C) carry out functions and authorities that are comparable to the functions and authorities described in subsections (e) through (h).

"(3) DOCUMENTATION OF COMPLIANCE.—Any State that has an existing Council shall include in a grant application submitted under section 705 and in subsequent annual progress reports submitted to the Secretary under section 710, a description of the measures that are being taken or that are planned, to ensure that the existing Council of the State complies with this section.

"(c) APPOINTMENTS TO NEW COUNCIL.—

"(1) MEMBERS.—To the extent that a State establishes a new Council, members of the new Council shall be appointed by the Chief Executive Officer of the State or the appropriate official within the State responsible for making appointments in accordance with subsection (d). The appointing authority shall select members after soliciting recommendations from the State Developmental Disabilities Council, parent or family organizations, and other organizations representing the full range of disabilities covered under this part. The appointing authority shall ensure that the membership of the new Council reasonably represents the population of the State and shall establish guidelines for the terms of the members of the new Council.

"(2) CHAIRPERSON.—The new Council shall elect a member of the new Council to serve as the Chairperson of the new Council. The Chairperson shall be a family member, as described in subsection (d)(1).

"(d) COMPOSITION.—The new Council shall be composed of—

"(1) a majority of members who are—

"(A) individuals who are family members of children with disabilities, are eligible for family support, and represent the diversity of families within the State, including those families from unserved and underserved populations; and

"(B) children with disabilities, from age 18 to 21, and are representative of the demographics of the State;

"(2) members—

"(A) who are from State agencies with significant responsibility for the provision of, or payment for, family support services to families of children with disabilities, and who have sufficient authority to engage in policy planning and implementation on behalf of such agencies; and

"(B) who are from the office of the Chief Executive Officer of the State with responsibility with respect to budget and finance; and

"(3) such additional members as the appointing authority considers appropriate.

"(e) FUNCTIONS.—The new Council shall—

"(1) establish formal policies regarding the operation of the new Council;

"(2) advise and assist the lead entity in the performance of responsibilities described in section 706(a), particularly the promotion of interagency agreements and the promotion of meaningful participation by families in all aspects of the statewide system of family support for families of children with disabilities;

"(3) advise and assist State agencies in the development of policies and procedures relating to the provision of family support for families of children with disabilities in the State;

"(4) advise and assist the lead entity in the development of all aspects of a strategic plan under section 709, including—

"(A) the mission, purpose, and principles of the statewide system of family support for families of children with disabilities;

"(B) the statement of family-centered outcomes;

"(C) the goals, objectives, and activities;

"(D) the quality improvement or quality enhancement system;

"(E) the appeals process;

"(F) the eligibility criteria to be used for all programs, projects, and activities carried out under this part;

"(G) the analysis of the extent to which family support for families of children with disabilities is defined as a benefit and not as income; and

"(H) the approach to the evaluation of the statewide system of family support for families of children with disabilities;

"(5) advise and assist the lead entity in the implementation of systems change activities;

"(6) advise and assist the lead entity in assessing family satisfaction with the statewide system of family support for families of children with disabilities;

"(7) review, analyze, and comment on the strategic plan and updates to the plan, progress reports, and annual budgets;

"(8) advise and assist the lead entity in the identification of Federal and State barriers that impede the development of a statewide system of family support for families of children with disabilities; and

"(9) prepare and submit to the Chief Executive Officer of the State, the State legislature, and to the Secretary an annual report on the status of family support services for families of children with disabilities, and make such report available to the public.

"(f) HEARINGS AND FORUMS.—The new Council is authorized to hold such hearings and forums as the new Council may determine to be necessary to carry out the duties of the new Council.

"(g) CONFLICT OF INTEREST.—No member of the new Council shall cast a vote on any matter that would provide direct financial benefit to such member or otherwise give the appearance of a conflict of interest under applicable State law.

"(g) COMPENSATION AND EXPENSES.—The new Council may, consistent with State law, use such resources to reimburse members of the new Council for reasonable and necessary expenses of attending the new Council meetings and performing Council duties (including child care and personal assistance services), and to pay compensation to a member of the new Council, if such member is not employed or must forfeit wages from other employment, for each day the member is engaged in performing Council duties.

"SEC. 708. AUTHORIZED ACTIVITIES.

"(a) IN GENERAL.—A State that receives a grant under section 704 may use the funds made available through the grant to carry out systems change activities, which accomplish the purposes described in section 702, such as the following activities:

"(1) TRAINING AND TECHNICAL ASSISTANCE.—The State may support training and technical assistance activities for family members, service providers, community members, professionals, members of the Council, students and others that will do the following:

"(A) Increase family participation, choice, and control in the provision of family support for families of children with disabilities.

"(B) Promote partnerships with families of children with disabilities at all levels of the service system.

"(C) Develop or strengthen family-centered and family-directed approaches to services, including service coordination services, service planning services, and respite care services.

"(D) Assist families of children with disabilities in accessing natural and community supports and in obtaining benefits and services.

"(2) INTERAGENCY COORDINATION.—The State may support activities that conduct the following:

"(A) Identification and coordination of Federal and State policies, resources, and services, relating to the provision of family support services for families of children with disabilities, including entering into interagency agreements.

"(B) Interagency work groups to enhance public funding options and coordinate access to funding for family support services for families of children with disabilities, with special attention to the issues of family involvement in the identification, planning, use, delivery, and evaluation of such services.

"(C) Documentation and dissemination of information about interagency activities that promote coordination with respect to family support services for families of children with disabilities, including evidence of increased participation of State and local health, maternal and child health, social service, mental health, mental retardation and developmental disabilities, child protection, education, early intervention, developmental disabilities councils, agencies, and departments.

"(3) LOCAL OR REGIONAL COUNCILS.—The State may support the development or enhancement of local or regional councils to review the status of family support for families of children with disabilities in the local or regional area, to advise and assist with the planning, development, implementation, and evaluation of family support for families of children with disabilities in such local or regional area, and to provide recommendations to the State regarding improvements and plans.

"(4) OUTREACH.—The State may conduct outreach activities to locate families who are eligible for family support for families of children with disabilities and to identify groups who are unserved or underserved. Such activities may involve the creation or maintenance of, support of, or provision of, assistance to statewide and community parent organizations, and organizations that provide family support to families of children with disabilities.

"(5) POLICY STUDIES.—The State may support policy studies that relate to the development and implementation, or expansion and enhancement, of a statewide system of family support for families of children with disabilities. Such studies may address issues regarding eligibility and access to services.

"(6) HEARINGS AND FORUMS.—The State may conduct hearings and forums to solicit input from families of children with disabilities regarding family support programs, policies, and plans for such families. Such hearings and forums may be conducted in collaboration with other statewide councils.

"(7) PUBLIC AWARENESS AND EDUCATION.—The State may develop and disseminate information relating to family support for families of children with disabilities designed to provide information to such families, parent groups and organizations, public and private agencies that are in contact with children

with disabilities and families of such children, students, policymakers, and the public. Such information may relate to the nature, cost, and availability of, and accessibility to, family support for families of children with disabilities, the impact of family support for families of children with disabilities on other benefits, and the efficacy of family support for families of children with disabilities with respect to enhancing the quality of family life.

"(8) NEEDS ASSESSMENT.—The State may conduct a needs assessment, which may, in part, be based on existing State data.

"(9) PROGRAM DATA.—The State may support the compilation and evaluation of appropriate data related to the statewide system of family support for families of children with disabilities.

"(10) PILOT DEMONSTRATION PROJECTS.—The State may support pilot demonstration projects to demonstrate new approaches to the provision of family support for families of children with disabilities. Such projects may include the demonstration of family-centered and family-directed service coordination, approaches to improve access to services, including independent service coordination, peer support networks, and voucher programs.

"(11) OTHER ACTIVITIES.—The State may support other systems change activities that accomplish the purposes described in section 702.

"(b) SPECIAL RULE.—In carrying out activities authorized under this part, a State shall ensure that such programs and activities address the needs of families who are economically disadvantaged.

"SEC. 709. STRATEGIC PLAN.

"(a) IN GENERAL.—Not later than 6 months after the date on which assistance is received by a State under this part, the lead entity of the State, in conjunction with the Council, shall prepare and submit to the Secretary a strategic plan designed to achieve the purposes and policy of this part.

"(b) CONTENTS.—The strategic plan shall include—

"(1) a statement of the mission, purpose, and principles of the statewide system of family support for families of children with disabilities in the State;

"(2) a statement of family-centered outcomes to be achieved by the statewide system of family support for families of children with disabilities;

"(3) specific goals and objectives for developing and implementing, or expanding and improving, the system for providing family support services for families of children with disabilities, and for achieving the family-centered outcomes;

"(4) systemic approaches for accomplishing the objectives and achieving the family-centered outcomes, including interagency coordination and cooperation, that builds upon state-of-the-art practices and research findings;

"(5) a description of the specific programs, projects, and activities funded under this part and the manner in which the programs, projects, and activities accomplish the objectives and achieve the family-centered outcomes;

"(6) a description of an ongoing quality improvement or quality enhancement system, which utilizes information from ongoing measurements of the extent to which family-centered outcomes are achieved, to improve the system;

"(7) a description of an appeals process that will be used in resolving any disputes families of children with disabilities may have regarding the determination of eligibility or the provision of family support services to the family or to the child with a disability;

"(8) a description of the eligibility criteria to be used to carry out programs, projects, and activities under this part that includes all eligible families;

"(9) an analysis of the extent to which family support for a family of a child with a disability is defined as a benefit and not as income; and

"(10) a description of the plan to conduct an annual evaluation of the statewide system of family support for families of children with disabilities, in conjunction with the Council, to improve such statewide system and to document progress as required by section 710.

"(c) PERIOD AND UPDATES.—The strategic plan shall cover the period of the grant and shall be reviewed and updated on an annual basis to reflect actual experience and family satisfaction information over the preceding year and input from the Council, families of children with disabilities, and other interested parties.

"(d) RECOMMENDATIONS.—Prior to developing the strategic plan, the State shall solicit input and recommendations from interested members of the public, either by holding public hearings or through an alternative method or methods determined by the lead entity in consultation with the Council. The lead entity shall also obtain the comments and recommendations of the Council. The lead entity, in conjunction with the Council, shall consider the recommendations and attempt to reach a consensus with respect to such recommendations. If the lead entity and the Council are unable to reach a consensus, the lead entity shall include a written explanation of the reason a consensus was not reached in the strategic plan.

"(e) COMMENT.—The State shall develop a procedure for ensuring ongoing comment from the Council.

"(f) DISSEMINATION.—The State shall widely disseminate the strategic plan to families of children with disabilities, parent organizations, and other interested persons.

"(g) CONSTRUCTION.—Nothing in this section shall be construed to prevent a State from using an existing statewide strategic plan or parts thereof to meet the requirements of this section as long as such plan or the applicable parts thereof are comparable to the specifications of this section.

"SEC. 710. PROGRESS CRITERIA AND REPORTS.

"(a) GUIDELINES.—The Secretary shall develop guidelines to be used in assessing the extent to which a State that received a grant under section 704 is making significant progress in developing and implementing, or expanding and enhancing, a statewide system of family support for families of children with disabilities consistent with the purposes of this part.

"(b) PROGRESS REPORTS.—A State that receives a grant under section 704 shall submit annually to the Secretary a report that documents progress in developing and implementing, or expanding and enhancing, a statewide system of family support for families of children with disabilities consistent with this part. Such report shall include—

"(1) the results of the annual evaluation of the statewide system of family support for families of children with disabilities;

"(2) a description of the unanticipated problems with the achievement of the goals, objectives, and family-centered outcomes described in the application or strategic plan and the measures the State has taken to rectify such problems;

"(3) for the annual progress report concerning the first year of the grant period, the strategic plan developed by the State during the first year; and

"(4) for the annual progress report concerning subsequent years of the grant period, the updated strategic plan.

"SEC. 711. ADMINISTRATIVE PROVISIONS.

"(a) EVALUATION OF GRANT APPLICATIONS.—

"(1) PANELS.—The Secretary shall convene panels of experts who are competent, by virtue of their training or experience, to evaluate grant applications under this part.

"(2) COMPOSITION OF PANELS.—Panels shall be composed of a majority of family members of children with disabilities and individuals with disabilities, and may include service providers, State administrative personnel, and professionals. Panels shall include a majority of individuals who are not Federal employees.

"(3) EXPENSES AND FEES OF THE PANEL.—A member of the Panel who is not a Federal employee shall receive travel, per diem and consultant fees not to exceed the rate provided to other consultants used by the Secretary. The Secretary may use funds available under section 716 to pay expenses and fees of a member of a Panel who is not a Federal employee.

"(b) PROVISION OF INFORMATION.—To assist the Secretary in carrying out the responsibilities of the Secretary under this section, the Secretary may require States to provide relevant information, including recommendations and relevant reports of the Council.

"(c) APPEALS.—The Secretary shall establish appeals procedures for States that are found in noncompliance with the provisions of this part as the result of failure to supply information required under section 705 or 710. The Secretary shall take into consideration the comments of the Council.

"(d) EFFECT ON OTHER ASSISTANCE.—This part may not be construed as authorizing a Federal or State agency to reduce medical or other assistance available, or to alter eligibility, under any Federal law.

"(e) UNOBLIGATED FUNDS.—Any amount paid to a State for a fiscal year and remaining unobligated at the end of such year shall remain available to such State for the next fiscal year for the purposes for which such amount was paid.

"SEC. 712. TECHNICAL ASSISTANCE.

"(a) IN GENERAL.—The Secretary shall make grants, or enter into contracts or cooperative agreements, with appropriate public or private agencies and organizations, including institutions of higher education, with documented experience, expertise, and capacity, for the purpose of providing technical assistance and information with respect to the development and implementation, or expansion and enhancement, of a statewide system of family support for families of children with disabilities.

"(b) PURPOSE.—With respect to States receiving assistance under this part, the technical assistance and information described under subsection (a) shall be provided to the State agency designated as the lead entity, the Council, family members of children with disabilities, organizations, service providers, and policymakers involved with children with disabilities and their families. Such technical assistance shall also be available to States that do not receive assistance under this part. Such technical assistance and information shall—

"(1) facilitate effective systems change activities;

"(2) promote effective approaches to the development and implementation, or expansion and enhancement of, the statewide systems of family support for families of children with disabilities that increase access to, funding for, and awareness of family support for families of children with disabilities;

"(3) promote partnerships with families at all levels of the service system;

"(4) foster awareness and understanding of Federal, State, and local laws, regulations, policies, practices, procedures, and organizational structures, that facilitate, and overcome barriers to, funding for, and access to family support for families of children with disabilities;

"(5) foster the development and replication of effective approaches to strategic plan development, interagency coordination, training, outreach to underserved groups, and public awareness activities;

"(6) facilitate service delivery capacity, training, and the improvement of data collection and evaluation systems;

"(7) promote effective approaches to the development of family-centered and family-directed services, including approaches to the development and measurement of family-centered outcomes described in section 709(b)(2), and the assessment of family satisfaction; and

"(8) coordinate and facilitate an annual meeting of the chairpersons of the Councils.

"(c) REQUEST FOR TECHNICAL ASSISTANCE.—A request for technical assistance by a lead entity in a State receiving assistance under this part shall be made in conjunction with the Council.

"(d) REPORTS TO THE SECRETARY.—An entity providing the technical assistance under this section shall submit periodic reports to the Secretary regarding Federal policies and procedures identified within the States that facilitate or impede the delivery of family support to families of children with disabilities. The report shall include recommendations to the Secretary regarding the delivery of services, coordination with other programs, and integration of the

policies and principles described in section 702 in other Federal legislation.

"SEC. 713. EVALUATION.

"(a) IN GENERAL.—The Secretary shall make grants, or enter into contracts or cooperative agreements, with appropriate public or private agencies and organizations, including institutions of higher education, with documented experience, expertise, and capacity for the purpose of conducting a national evaluation of the program of grants to States authorized by this part.

"(b) PURPOSE.—The purpose of an evaluation under subsection (a) shall be to assess the status and effects of State efforts to develop and implement, or expand and enhance, statewide systems of family support for families of children with disabilities in a manner consistent with the provisions of this part, particularly in terms of the impact of such efforts on families of children with disabilities, and to recommend amendments to this part that are necessary to assist States to fully accomplish the purposes of this part. The Secretary or recipient of assistance under this section shall work with the States to consider and develop an information system designed to report and compile, from information provided by the States, including the Council, a qualitative and quantitative description of the impact of the program of grants to States authorized by this part on—

"(1) families of children with disabilities, including families from ethnic and racial minority backgrounds;

"(2) access to and funding for family support for families of children with disabilities; and

"(3) the involvement of families at all levels of the service system.

"(c) REPORT TO CONGRESS.—Not later than 2½ years after the date of enactment of this part, the Secretary shall prepare and submit to the appropriate committees of Congress a report concerning the results of the evaluation conducted under this section.

"(d) CONFLICT OF INTEREST.—The Secretary shall assure that a recipient of a grant, contract, or cooperative agreement under this section is independent from, and free from, any financial or personal relationships with the recipient of a grant, contract, or cooperative agreement selected to provide technical assistance under section 712.

"SEC. 714. PROJECTS OF NATIONAL SIGNIFICANCE.

"(a) STUDY BY THE SECRETARY.—The Secretary shall review Federal programs to determine the extent to which such programs facilitate or impede access to, provision of, and funding for family support for families of children with disabilities, consistent with the policies described in section 702.

"(b) DEMONSTRATION AND INNOVATION PROJECTS.—The Secretary shall make grants or enter into contracts for projects of national significance to support the development of national and State policies and practices related to the development and implementation, or expansion and enhancement, of family-centered and family-directed systems of family support for families of children with disabilities.

"SEC. 715. CONSTRUCTION.

"Notwithstanding any other provision of this title, nothing in parts A through H of this title shall be construed to apply to this part.

"SEC. 716. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There are authorized to be appropriated to carry out this part, $10,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 and 1997.

"(b) RESERVATION.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall reserve for each fiscal year 10 percent, or $600,000 (whichever is greater), of the amount appropriated pursuant to the authority of subsection (a) to carry out—

"(A) section 712, with respect to the provision of technical assistance and information to States;

"(B) section 713, with respect to the conduct of the evaluations;

"(C) section 711(a), with respect to the evaluation of grant applications; and

"(D) section 714, with respect to the conduct of projects of national significance.

"(2) SPECIAL RULE.—The Secretary shall only use funds reserved under paragraph (1) for a fiscal year to carry out section 714 for such year if the amount of funds reserved under such paragraph for such fiscal year is $700,000 or greater.".

PART B—EDUCATION FOR HOMELESS CHILDREN AND YOUTH

SEC. 321. AMENDMENTS TO TABLE OF CONTENTS.

The table of contents in section 101(b) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11301 note) is amended by striking subtitles A and B of title VII and inserting the following:

"Subtitle A—Adult Education for the Homeless

"Sec. 701. State literacy initiatives.

"Subtitle B—Education for Homeless Children and Youth

"Sec. 721. Statement of policy.
"Sec. 722. Grants for State and local activities for the education of homeless children and youth.
"Sec. 723. Local educational agency grants for the education of homeless children and youth.
"Sec. 724. Secretarial responsibilities.
"Sec. 725. Definitions.
"Sec. 726. Authorization of appropriations.".

SEC. 322. ADULT EDUCATION FOR THE HOMELESS.

Subtitle A of title VII of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11421 et seq.) is amended to read as follows:

"Subtitle A—Adult Education for the Homeless

"SEC. 701. STATE LITERACY INITIATIVES.

"(a) GENERAL AUTHORITY.—

"(1) GRANTS.—The Secretary of Education is authorized to make grants to State educational agencies to enable each such agency to implement, either directly or through contracts and grants, a program of literacy training and academic remediation for adult homeless individuals within the State, which program shall—

"(A) include outreach activities; and

"(B) be coordinated with other agencies or organizations, such as community-based organizations, nonprofit literacy-action organizations, and recipients of funds under the Adult Education Act, title II of the Job Training Partnership Act, the Youth Fair Chance program under part H of title IV of the Job Training Partnership Act, the Volunteers in Service to America program under part A of title I of the Domestic Volunteer Service Act of 1973, part C of this title, or the Job Opportunity and Basic Skills program under part F of title IV of the Social Security Act.

"(2) ESTIMATES AND AMOUNTS.—The Secretary of Education, in awarding grants under this section, shall give special consideration to the estimates submitted in the application submitted under subsection (b) and make such awards in whatever amounts such Secretary determines will best serve the purposes of this section.

"(b) APPLICATION.—Each State educational agency desiring to receive a grant under this section shall submit to the Secretary of Education an application at such time, in such manner, and containing such information as the Secretary may reasonably require. Each such application shall include an estimate of the number of homeless individuals in the State and the number of such individuals expected to be served.

"(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out the adult literacy training and academic remediation programs authorized by this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.

"(d) DEFINITION.—As used in this section, the term 'State' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and Palau (until the effective date of the Compact of Free Association with the Government of Palau).".

SEC. 323. EDUCATION FOR HOMELESS CHILDREN AND YOUTH.

Subtitle B of title VII of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11431 et seq.) is amended to read as follows:

"Subtitle B—Education for Homeless Children and Youth

"SEC. 721. STATEMENT OF POLICY.

"It is the policy of the Congress that—

"(1) each State educational agency shall ensure that each child of a homeless individual and each homeless youth has equal access to the same free, appropriate public education, including a public preschool education, as provided to other children and youth;

"(2) in any State that has a compulsory residency requirement as a component of the State's compulsory school attendance laws or other laws, regulations, practices, or policies that may act as a barrier to the enrollment, attendance, or success in school of homeless children and youth, the State will review and undertake steps to revise such laws, regulations, practices, or policies to ensure that homeless children and youth are afforded the same free, appropriate public education as provided to other children and youth;

"(3) homelessness alone should not be sufficient reason to separate students from the mainstream school environment; and

"(4) homeless children and youth should have access to the education and other services that such children and youth need to ensure that such children and youth have an opportunity to meet the same challenging State student performance standards to which all students are held.

"SEC. 722. GRANTS FOR STATE AND LOCAL ACTIVITIES FOR THE EDUCATION OF HOMELESS CHILDREN AND YOUTH.

"(a) GENERAL AUTHORITY.—The Secretary is authorized to make grants to States in accordance with the provisions of this section to enable such States to carry out the activities described in subsections (d), (e), (f), and (g).

"(b) APPLICATION.—No State may receive a grant under this section unless the State educational agency submits an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

"(c) ALLOCATION AND RESERVATIONS.—

"(1) IN GENERAL.—Subject to paragraph (2) and section 724(c), from the amounts appropriated for each fiscal year under section 726, the Secretary is authorized to allot to each State an amount that bears the same ratio to the amount appropriated for such year under section 726 as the amount allocated under section 1122 of the Elementary and Secondary Education Act of 1965 to the State for that year bears to the total amount allocated under section 1122 to all States for that year, except that no State shall receive less than $100,000.

"(2) RESERVATION.—(A) The Secretary is authorized to reserve 0.1 percent of the amount appropriated for each fiscal year under section 726 to be allocated by the Secretary among the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and Palau (until the

effective date of the Compact of Free Association with the Government of Palau), according to their respective need for assistance under this subtitle, as determined by the Secretary.

"(B)(i) The Secretary is authorized to transfer one percent of the amount appropriated for each fiscal year under section 726 to the Department of the Interior for programs for Indian students served by schools funded by the Secretary of the Interior, as determined under the Indian Self-Determination and Education Assistance Act, that are consistent with the purposes of this Act.

"(ii) The Secretary and the Secretary of the Interior shall enter into an agreement, consistent with the requirements of this part, for the distribution and use of the funds described in clause (i) under terms that the Secretary determines best meet the purposes of the programs described in such clause. Such agreement shall set forth the plans of the Secretary of the Interior for the use of the amounts transferred, including appropriate goals, objectives, and milestones.

"(3) DEFINITION.—As used in this subsection, the term 'State' shall not include the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, or Palau.

"(d) ACTIVITIES.—Grants under this section shall be used—

"(1) to carry out the policies set forth in section 721 in the State;

"(2) to provide activities for, and services to, homeless children, including preschool-aged children, and homeless youth that enable such children and youth to enroll in, attend, and succeed in school, or, if appropriate, in preschool programs;

"(3) to establish or designate an Office of Coordinator of Education of Homeless Children and Youth in the State educational agency in accordance with subsection (f);

"(4) to prepare and carry out the State plan described in subsection (g); and

"(5) to develop and implement professional development programs for school personnel to heighten their awareness of, and capacity to respond to, specific problems in the education of homeless children and youth.

"(e) STATE AND LOCAL GRANTS.—

"(1) IN GENERAL.—(A) Subject to subparagraph (B), if the amount allotted to the State educational agency for any fiscal year under this subtitle exceeds the amount such agency received for fiscal year 1990 under this subtitle, such agency shall provide grants to local educational agencies for purposes of section 723.

"(B) The State educational agency may reserve not more than the greater of 5 percent of the amount such agency receives under this subtitle for any fiscal year, or the amount such agency received under this subtitle for fiscal year 1990, to conduct activities under subsection (f) directly or through grants or contracts.

"(2) SPECIAL RULE.—If the amount allotted to a State educational agency for any fiscal year under this subtitle is less than the amount such agency received for fiscal year 1990

under this subtitle, such agency, at such agency's discretion, may provide grants to local educational agencies in accordance with section 723 or may conduct activities under subsection (f) directly or through grants or contracts.

"(f) FUNCTIONS OF THE OFFICE OF COORDINATOR.—The Coordinator of Education of Homeless Children and Youth established in each State shall—

"(1) estimate the number of homeless children and youth in the State and the number of such children and youth served with assistance provided under the grants or contracts under this subtitle;

"(2) gather, to the extent possible, reliable, valid, and comprehensive information on the nature and extent of the problems homeless children and youth have in gaining access to public preschool programs and to public elementary and secondary schools, the difficulties in identifying the special needs of such children and youth, any progress made by the State educational agency and local educational agencies in the State in addressing such problems and difficulties, and the success of the program under this subtitle in allowing homeless children and youth to enroll in, attend, and succeed in, school;

"(3) develop and carry out the State plan described in subsection (g);

"(4) prepare and submit to the Secretary not later than October 1, 1997, and on October 1 of every third year thereafter, a report on the information gathered pursuant to paragraphs (1) and (2) and such additional information as the Secretary may require to carry out the Secretary's responsibilities under this subtitle;

"(5) facilitate coordination between the State educational agency, the State social services agency, and other agencies providing services to homeless children and youth, including homeless children and youth who are preschool age, and families of such children and youth; and

"(6) develop relationships and coordinate with other relevant education, child development, or preschool programs and providers of services to homeless children, homeless families, and runaway and homeless youth (including domestic violence agencies, shelter operators, transitional housing facilities, runaway and homeless youth centers, and transitional living programs for homeless youth), to improve the provision of comprehensive services to homeless children and youth and their families.

"(g) STATE PLAN.—

"(1) IN GENERAL.—Each State shall submit to the Secretary a plan to provide for the education of homeless children and youth within the State, which plan shall describe how such children and youth are or will be given the opportunity to meet the same challenging State student performance standards all students are expected to meet, shall describe the procedures the State educational agency will use to identify such children and youth in the State and to assess their special needs, and shall—

"(A) describe procedures for the prompt resolution of disputes regarding the educational placement of homeless children and youth;

"(B) describe programs for school personnel (including principals, attendance officers, teachers and enrollment personnel), to heighten the awareness of such personnel of the specific needs of runaway and homeless youth;

"(C) describe procedures that ensure that homeless children and youth who meet the relevant eligibility criteria are able to participate in Federal, State, or local food programs;

"(D) describe procedures that ensure that—

"(i) homeless children have equal access to the same public preschool programs, administered by the State agency, as provided to other children; and

"(ii) homeless children and youth who meet the relevant eligibility criteria are able to participate in Federal, State, or local before- and after-school care programs;

"(E) address problems set forth in the report provided to the Secretary under subsection (f)(4);

"(F) address other problems with respect to the education of homeless children and youth, including problems caused by—

"(i) transportation issues; and

"(ii) enrollment delays that are caused by—

"(I) immunization requirements;

"(II) residency requirements;

"(III) lack of birth certificates, school records, or other documentation; or

"(IV) guardianship issues;

"(G) demonstrate that the State educational agency and local educational agencies in the State have developed, and will review and revise, policies to remove barriers to the enrollment and retention of homeless children and youth in schools in the State; and

"(H) contain an assurance that the State educational agency and local educational agencies in the State will adopt policies and practices to ensure that homeless children and youth are not isolated or stigmatized.

"(2) COMPLIANCE.—Each plan adopted under this subsection shall also show how the State will ensure that local educational agencies in the State will comply with the requirements of paragraphs (3) through (9).

"(3) LOCAL EDUCATIONAL AGENCY REQUIREMENTS.—(A) The local educational agency of each homeless child and youth to be assisted under this subtitle shall, according to the child's or youth's best interest, either—

"(i) continue the child's or youth's education in the school of origin—

"(I) for the remainder of the academic year; or

"(II) in any case in which a family becomes homeless between academic years, for the following academic year; or

"(ii) enroll the child or youth in any school that nonhomeless students who live in the attendance area in which the child or youth is actually living are eligible to attend.

"(B) In determining the best interests of the child or youth under subparagraph (A), the local educational agency shall comply, to the extent feasible, with the request made by a parent or guardian regarding school selection.

"(C) For purposes of this paragraph, the term 'school of origin' means the school that the child or youth attended when permanently housed, or the school in which the child or youth was last enrolled.

"(D) The choice regarding placement shall be made regardless of whether the child or youth lives with the homeless parents or has been temporarily placed elsewhere by the parents.

"(4) COMPARABLE SERVICES.—Each homeless child or youth to be assisted under this subtitle shall be provided services comparable to services offered to other students in the school selected according to the provisions of paragraph (3), including—

"(A) transportation services;

"(B) educational services for which the child or youth meets the eligibility criteria, such as services provided under title I of the Elementary and Secondary Education Act of 1965 or similar State or local programs, educational programs for children with disabilities, and educational programs for students with limited-English proficiency;

"(C) programs in vocational education;

"(D) programs for gifted and talented students; and

"(E) school meals programs.

"(5) RECORDS.—Any record ordinarily kept by the school, including immunization records, academic records, birth certificates, guardianship records, and evaluations for special services or programs, of each homeless child or youth shall be maintained—

"(A) so that the records are available, in a timely fashion, when a child or youth enters a new school district; and

"(B) in a manner consistent with section 444 of the General Education Provisions Act.

"(6) COORDINATION.—Each local educational agency serving homeless children and youth that receives assistance under this subtitle shall coordinate with local social services agencies and other agencies or programs providing services to such children or youth and their families, including services and programs funded under the Runaway and Homeless Youth Act.

"(7) LIAISON.—(A) Each local educational agency that receives assistance under this subtitle shall designate a homelessness liaison to ensure that—

"(i) homeless children and youth enroll and succeed in the schools of that agency; and

"(ii) homeless families, children, and youth receive educational services for which such families, children, and youth are eligible, including Head Start and Even Start programs and preschool programs administered by the *local educational agency, and referrals to health care services, dental services, mental health services, and other appropriate services.*

"(B) State coordinators and local educational agencies shall inform school personnel, service providers, and advocates working with homeless families of the duties of the liaisons.

"(8) REVIEW AND REVISIONS.—Each State educational agency and local educational agency that receives assistance under this subtitle shall review and revise any policies that may act as barriers to the enrollment of homeless children and youth in schools selected in accordance with paragraph (3). In reviewing and revising such policies, consideration shall be given to issues concerning transportation, immunization, residency, birth certificates, school records, and other documentation, and guardianship. Special attention shall be given to ensuring the enrollment and attendance of homeless children and youth who are not currently attending school.

"(9) COORDINATION.—Where applicable, each State and local educational agency that receives assistance under this subtitle shall coordinate with State and local housing agencies responsible for developing the comprehensive housing affordability strategy described in section 105 of the Cranston-Gonzalez National Affordable Housing Act to minimize educational disruption for children who become homeless.

"SEC. 723. LOCAL EDUCATIONAL AGENCY GRANTS FOR THE EDUCATION OF HOMELESS CHILDREN AND YOUTH.

"(a) GENERAL AUTHORITY.—

"(1) IN GENERAL.—The State educational agency shall, in accordance with section 722(e) and from amounts made available to such agency under section 726, make grants to local educational agencies for the purpose of facilitating the enrollment, attendance, and success in school of homeless children and youth.

"(2) SERVICES.—Unless otherwise specified, services under paragraph (1) may be provided through programs on school grounds or at other facilities. Where such services are provided through programs to homeless students on school grounds, schools may provide services to other children and youth who are determined by the local educational agency to be at risk of failing in, or dropping out of, schools, in the same setting or classroom. To the maximum extent practicable, such services shall be provided through existing programs and mechanisms that integrate homeless individuals with nonhomeless individuals.

"(3) REQUIREMENT.—Services provided under this section shall not replace the regular academic program and shall be designed to expand upon or improve services provided as part of the school's regular academic program.

"(b) APPLICATION.—A local educational agency that desires to receive a grant under this section shall submit an application to the State educational agency at such time, in such manner, and containing or accompanied by such information as the State educational agency may reasonably require according to guidelines issued by the Secretary. Each such application shall include—

"(1) a description of the services and programs for which assistance is sought and the problems to be addressed through the provision of such services and programs;

"(2) an assurance that the local educational agency's combined fiscal effort per student or the aggregate expenditures of that agency and the State with respect to the provision of free public education by such agency for the fiscal year preceding the fiscal year for which the determination is made was not less than 90 percent of such combined fiscal effort or aggregate expenditures for the second fiscal year preceding the fiscal year for which the determination is made;

"(3) an assurance that the applicant complies with, or will use requested funds to come into compliance with, paragraphs (3) through (9) of section 722(g); and

"(4) a description of policies and procedures that the agency will implement to ensure that activities carried out by the agency will not isolate or stigmatize homeless children and youth.

"(c) AWARDS.—

"(1) IN GENERAL.—The State educational agency shall, in accordance with section 722(g) and from amounts made available to such agency under section 726, award grants under this section to local educational agencies submitting an application under subsection (b) on the basis of the need of such agencies.

"(2) NEED.—In determining need under paragraph (1), the State educational agency may consider the number of homeless children and youth enrolled in preschool, elementary, and secondary schools within the area served by the agency, and shall consider the needs of such children and youth and the ability of the agency to meet such needs. Such agency may also consider—

"(A) the extent to which the proposed use of funds would facilitate the enrollment, retention, and educational success of homeless children and youth;

"(B) the extent to which the application reflects coordination with other local and State agencies that serve homeless children and youth, as well as the State plan required by section 722(g);

"(C) the extent to which the applicant exhibits in the application and in current practice a commitment to education for all homeless children and youth; and

"(D) such other criteria as the agency determines appropriate.

"(3) DURATION OF GRANTS.—Grants awarded under this section shall be for terms not to exceed three years.

"(d) AUTHORIZED ACTIVITIES.—A local educational agency may use funds awarded under this section for activities to carry out the purpose of this subtitle, including—

"(1) the provision of tutoring, supplemental instruction, and enriched educational services that are linked to the achievement of the same challenging State content standards and challenging State student performance standards the State establishes for other children or youth;

"(2) the provision of expedited evaluations of the strengths and needs of homeless children and youth, including needs and

eligibility for programs and services (such as educational programs for gifted and talented students, children with disabilities, and students with limited-English proficiency, services provided under title I of the Elementary and Secondary Education Act of 1965 or similar State or local programs, programs in vocational education, and school meals programs);

"(3) professional development and other activities for educators and pupil services personnel that are designed to heighten the understanding and sensitivity of such personnel to the needs of homeless children and youth, the rights of such children and youth under this Act, and the specific educational needs of runaway and homeless youth;

"(4) the provision of referral services to homeless children and youth for medical, dental, mental, and other health services;

"(5) the provision of assistance to defray the excess cost of transportation for students pursuant to section 722(g)(4), not otherwise provided through Federal, State, or local funding, where necessary to enable students to attend the school selected under section 722(g)(3);

"(6) the provision of developmentally appropriate early childhood education programs, not otherwise provided through Federal, State, or local funding, for preschool-aged children;

"(7) the provision of before- and after-school, mentoring, and summer programs for homeless children and youth in which a teacher or other qualified individual provides tutoring, homework assistance, and supervision of educational activities;

"(8) where necessary, the payment of fees and other costs associated with tracking, obtaining, and transferring records necessary to enroll homeless children and youth in school, including birth certificates, immunization records, academic records, guardianship records, and evaluations for special programs or services;

"(9) the provision of education and training to the parents of homeless children and youth about the rights of, and resources available to, such children and youth;

"(10) the development of coordination between schools and agencies providing services to homeless children and youth, including programs funded under the Runaway and Homeless Youth Act;

"(11) the provision of pupil services (including violence prevention counseling) and referrals for such services;

"(12) activities to address the particular needs of homeless children and youth that may arise from domestic violence;

"(13) the adaptation of space and purchase of supplies for nonschool facilities made available under subsection (a)(2) to provide services under this subsection;

"(14) the provision of school supplies, including those supplies to be distributed at shelters or temporary housing facilities, or other appropriate locations; and

"(15) the provision of other extraordinary or emergency assistance needed to enable homeless children and youth to attend school.

"SEC. 724. SECRETARIAL RESPONSIBILITIES.

"(a) REVIEW OF PLANS.—In reviewing the State plans submitted by the State educational agencies under section 722(g), the Secretary shall use a peer review process and shall evaluate whether State laws, policies, and practices described in such plans adequately address the problems of homeless children and youth relating to access to education and placement as described in such plans.

"(b) TECHNICAL ASSISTANCE.—The Secretary shall provide support and technical assistance to the State educational agencies to assist such agencies to carry out their responsibilities under this subtitle.

"(c) EVALUATION AND DISSEMINATION.—The Secretary shall conduct evaluation and dissemination activities of programs designed to meet the educational needs of homeless elementary and secondary school students, and may use funds appropriated under section 726 to conduct such activities.

"(d) SUBMISSION AND DISTRIBUTION.—The Secretary shall require applications for grants under this subtitle to be submitted to the Secretary not later than the expiration of the 60-day period beginning on the date that funds are available for purposes of making such grants and shall make such grants not later than the expiration of the 120-day period beginning on such date.

"(e) DETERMINATION BY SECRETARY.—The Secretary, based on the information received from the States and information gathered by the Secretary under subsection (d), shall determine the extent to which State educational agencies are ensuring that each homeless child and homeless youth has access to a free appropriate public education as described in section 721(1).

"(f) REPORTS.—The Secretary shall prepare and submit a report to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate on the programs and activities authorized by this subtitle by December 31, 1997, and every third year thereafter.

"SEC. 725. DEFINITIONS.

"For the purpose of this subtitle, unless otherwise stated—

"(1) the term 'Secretary' means the Secretary of Education; and

"(2) the term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

"SEC. 726. AUTHORIZATION OF APPROPRIATIONS.

"For the purpose of carrying out this subtitle, there are authorized to be appropriated $30,000,000 for fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996, 1997, 1998, and 1999.".

PART C—REPEAL OF IMPACT AID STATUTES

SEC. 331. REPEAL OF IMPACT AID STATUTES.

(a) PUBLIC LAW 81-815.—The Act entitled "An Act relating to the construction of school facilities in areas affected by Federal activities, and for other purposes", approved September 23, 1950 (64 Stat. 967; 20 U.S.C. 631 et seq.) is repealed.

(b) PUBLIC LAW 81-874.—The Act entitled "An Act to provide assistance for local educational agencies in areas affected by Federal activities, and for other purposes", approved September 30, 1950 (64 Stat. 1100; 20 U.S.C. 236 et seq.) is repealed.

PART D—AMENDMENTS TO THE ADULT EDUCATION ACT

SEC. 335. AMENDMENTS TO ADULT EDUCATION ACT.

(a) STATE PLAN.—Paragraph (11) of section 342(c) of the Adult Education Act (20 U.S.C. 1206a(c)(11)) is amended by inserting "Even Start," after "1963,".

(b) AUTHORIZATION OF APPROPRIATIONS.—Subsection (n) of section 384 of the Adult Education Act (20 U.S.C. 1213c(n)) is amended by striking "and 1995" and inserting "1995, and 1996".

PART E—HIGHER EDUCATION

SEC. 351. HIGHER EDUCATION AMENDMENTS TO THE CARL D. PERKINS VOCATIONAL AND APPLIED TECHNOLOGY EDUCATION ACT.

(a) AMENDMENT.—The Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.) is amended—

(1) in paragraph (2) of section 232(d)—

(A) by inserting ", notwithstanding section 427(b)(2) of the Higher Education Amendments of 1992," before "has"; and

(B) by inserting "as such section was in effect on July 22, 1992" before the semicolon; and

(2) in subparagraph (B) of section 404(a)(4)(B)—

(A) by inserting ", notwithstanding section 427(b)(2) of the Higher Education Amendments of 1992," before "has"; and

(B) by inserting "as such section was in effect on July 22, 1992" before the period.

(b) EFFECTIVE DATE.—Subsection (a) and the amendments made by subsection (a) shall take effect on the date of enactment of this Act, except that a State that, prior to such date, distributed funds under section 232 of the Carl D. Perkins Vocational and Applied Technology Education Act from funds appropriated for fiscal year 1994 for such program to proprietary institutions of higher education, as such term is defined in section 481(b) of the Higher Education Act of 1965, may continue to distribute such funds to such institutions until July 1, 1995.

SEC. 352. TECHNICAL AMENDMENT TO THE SECOND MORRILL ACT.

Section 5 of the Act of August 30, 1890 (26 Stat. 417, chapter 841; 7 U.S.C. 326a) (commonly known as the "Second Morrill Act") is amended by striking "and the Trust Territory of the Pacific Islands or its successor governments" and inserting "the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau".

SEC. 353. DEFINITIONS FOR PART A OF TITLE III.

Paragraph (1) of section 312(b) of the Higher Education Act of 1965 (20 U.S.C. 1058(b)(1)) is amended—

(1) by amending subparagraph (C) to read as follows:

"(C) which is—

"(i) legally authorized to provide, and provides within the State, an educational program for which such institution awards a bachelor's degree;

"(ii) a junior or community college; or

"(iii) the College of the Marshall Islands, the College of Micronesia/Federated States of Micronesia, and Palau Community College;".

(2) in subparagraph (D), by striking "and" after the semicolon; and

(3) by adding after subparagraph (E) the following new subparagraph:

"(F) located in a State; and".

SEC. 353A. PART D HEADING.

The heading for part D of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087a et seq.) is amended to read as follows:

"PART D—WILLIAM D. FORD FEDERAL DIRECT LOAN PROGRAM".

SEC. 354. AUTHORIZATION OF APPROPRIATIONS FOR THE NATIONAL EARLY INTERVENTION SCHOLARSHIP AND PARTNERSHIP PROGRAM.

Section 404G of the Higher Education Act of 1965 (20 U.S.C. 1070a–27) is amended by striking the second sentence thereof.

SEC. 355. LENDER-OF-LAST-RESORT PROGRAMS.

(a) AMENDMENT.—Paragraph (1) of section 428(c) of the Higher Education Act of 1965 (20 U.S.C. 1078(c)(1)) is amended by adding at the end the following new subparagraph:

"(G) Notwithstanding any other provision of this section, the Secretary shall exclude a loan made pursuant to a lender-of-last-resort program when making reimbursement payment calculations under subparagraphs (B) and (C).".

(b) EFFECTIVE DATE.—Subsection (a) and the amendment made by subsection (a) shall take effect on August 10, 1993.

SEC. 356. FEDERAL CONSOLIDATION LOANS.

Paragraph (4) of section 428C(a) of the Higher Education Act of 1965 (20 U.S.C. 1078–3(a)(4)) is amended—

(1) in subparagraph (B), by striking "or" after the semicolon;

(2) in subparagraph (C), by striking the period and inserting "; or"; and

(3) by adding at the end the following new subparagraph:

"(D) made under subpart II of part B of title VIII of the Public Health Service Act.".

SEC. 357. DEFINITION OF ECONOMIC HARDSHIP.

Paragraph (1) of section 435(o) of the Higher Education Act of 1965 (20 U.S.C. 1085(o)(1)) is amended—

(1) in clause (ii) of subparagraph (A), by striking "or" after the semicolon;

(2) by redesignating subparagraph (B) as subparagraph (C);

(3) by inserting after subparagraph (A) the following new subparagraph:

"(B) such borrower is working full-time and has a Federal educational debt burden that equals or exceeds 20 percent of such borrower's adjusted gross income, and the difference between such borrower's adjusted gross income minus such burden is less than 220 percent of the greater of—

"(i) the annual earnings of an individual earning the minimum wage under section 6 of the Fair Labor Standards Act of 1938; or

"(ii) the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act) applicable to a family of two; or"; and

(4) in paragraph (2), by striking "(1)(B)" and inserting "(1)(C)".

SEC. 358. FACILITIES AUTHORITY OF THE STUDENT LOAN MARKETING ASSOCIATION.

Section 439 of the Higher Education Act of 1965 (20 U.S.C. 1087–2) is amended—

(1) in subparagraph (C) of subsection (d)(1)—

(A) in the matter preceding clause (i), by inserting "(including related equipment, instrumentation, and furnishings)" after "materials";

(B) in clause (ii), by striking the semicolon and inserting ", dining halls, student unions, and facilities specifically designed to promote fitness and health for students, faculty, and staff or for physical education courses; and";

(C) in clause (iii), by striking "and" after the semicolon;

(D) in the matter following clause (iv)—

(i) by striking "15 percent" and inserting "30 percent"; and

(ii) by striking "type" and inserting "types"; and

(E) by striking clause (iv); and

(2) in subsection (n), by striking "a report of its operations and activities during each year" and inserting "a report of the Association's operations and activities, including a report with respect to all facilities transactions, during each year".

SEC. 358A. PROGRAM AUTHORITY.

Section 451 of the Higher Education Act of 1965 (20 U.S.C. 2087a) is amended—

(1) by inserting "(a) IN GENERAL.—" before "There"; and

(2) by adding at the end the following new subsection:

"(b) DESIGNATION.—

"(1) PROGRAM.—The program established under this part shall be referred to as the 'William D. Ford Federal Direct Loan Program'.

"(2) DIRECT LOANS.—Notwithstanding any other provision of this part, loans made to borrowers under this part that, except as otherwise specified in this part, have the same terms, conditions, and benefits as loans made to borrowers under section 428, shall be known as 'Federal Direct Stafford/Ford Loans'.".

SEC. 359. DEFERMENT ELIGIBILITY.

Subsection (f) of section 455 of the Higher Education Act of 1965 (20 U.S.C. 1087e(f)) is amended by adding at the end the following new paragraphs:

"(3) DEFINITION OF BORROWER.—For the purpose of this subsection, the term "borrower" means an individual who is a new borrower on the date such individual applies for a loan under this part for which the first disbursement is made on or after July 1, 1993.

"(4) DEFERMENTS FOR PREVIOUS PART B LOAN BORROWERS.—A borrower of a loan made under this part, who at the time such individual applies for such loan, has an outstanding balance of principal or interest owing on any loan made, insured, or guaranteed under part B of title IV prior to July 1, 1993, shall be eligible for a deferment under section 427(a)(2)(C) or section 428(b)(1)(M) as such sections were in effect on July 22, 1992.".

SEC. 360. CLOCK AND CREDIT HOUR TREATMENT OF DIPLOMA NURSING SCHOOLS.

(a) AMENDMENT.—Part G of title IV of the Higher Education Act of 1965 (20 U.S.C. 1088 et seq.) is amended by inserting after section 481 the following new section:

"SEC. 481A. CLOCK AND CREDIT HOUR TREATMENT OF DIPLOMA NURSING SCHOOLS.

"Notwithstanding any other provision of this Act, any regulations promulgated by the Secretary concerning the relationship between clock hours and semester, trimester, or quarter hours in calculating student grant, loan, or work assistance under this title, shall not apply to a public or private nonprofit hospital-based school of nursing that awards a diploma at the completion of the school's program of education.".

(b) EFFECTIVE DATE.—Subsection (a) and the amendment made by subsection (a) shall take effect on July 1, 1994.

SEC. 360A. ELIGIBILITY FOR STUDENTS FROM PALAU.

Subsection (j) of section 484 of the Higher Education Act of 1965 (20 U.S.C. 1091(j)) is amended to read as follows:

"(j) ASSISTANCE UNDER SUBPARTS 1, 3, AND 6, AND CHAPTER 1 OF SUBPART 2, OF PART A, AND PART C.—Notwithstanding any other provision of law, a student shall be eligible, if otherwise qualified, for assistance under subparts 1, 3, and 6, and chapter 1 of subpart 2, of part A, and part C, of this title, if the student is otherwise qualified and—

"(1) is a citizen of the Federated States of Micronesia, the Republic of the Marshall Islands, or the Republic of Palau, and

attends an institution of higher education in a State or a public or nonprofit private institution of higher education in the Federated States of Micronesia, the Republic of the Marshall Islands, or the Republic of Palau; or

"(2) meets the requirements of subsection (a)(5) and attends a public or nonprofit private institution of higher education in the Federated States of Micronesia, the Republic of the Marshall Islands, or the Republic of Palau.".

SEC. 360B. DISCLOSURE OF ATHLETIC PROGRAM PARTICIPATION RATES AND FINANCIAL SUPPORT DATA.

(a) SHORT TITLE.—This section may be cited as the "Equity in Athletics Disclosure Act".

(b) FINDINGS.—The Congress finds that—

(1) participation in athletic pursuits plays an important role in teaching young Americans how to work on teams, handle challenges and overcome obstacles;

(2) participation in athletic pursuits plays an important role in keeping the minds and bodies of young Americans healthy and physically fit;

(3) there is increasing concern among citizens, educators, and public officials regarding the athletic opportunities for young men and women at institutions of higher education;

(4) a recent study by the National Collegiate Athletic Association found that in Division I-A institutions, only 20 percent of the average athletic department operations budget of $1,310,000 is spent on women's athletics; 15 percent of the average recruiting budget of $318,402 is spent on recruiting female athletes; the average scholarship expenses for men is $1,300,000 and $505,246 for women; and an average of 143 grants are awarded to male athletes and 59 to women athletes;

(5) female college athletes receive less than 18 percent of the athletics recruiting dollar and less than 24 percent of the athletics operating dollar;

(6) male college athletes receive approximately $179,000,000 more per year in athletic scholarship grants than female college athletes;

(7) prospective students and prospective student athletes should be aware of the commitments of an institution to providing equitable athletic opportunities for its men and women students; and

(8) knowledge of an institution's expenditures for women's and men's athletic programs would help prospective students and prospective student athletes make informed judgments about the commitments of a given institution of higher education to providing equitable athletic benefits to its men and women students.

(c) DISCLOSURE OF ATHLETIC PROGRAM.—Section 485 of the Higher Education Act of 1965 (20 U.S.C. 1092) is amended by adding at the end the following new subsection:

"(g) DATA REQUIRED.—

"(1) IN GENERAL.—Each coeducational institution of higher education that participates in any program under this title, and has an intercollegiate athletic program, shall annually, for the immediately preceding academic year, prepare a report that

contains the following information regarding intercollegiate athletics:

"(A) The number of male and female full-time undergraduates that attended the institution.

"(B) A listing of the varsity teams that competed in intercollegiate athletic competition and for each such team the following data:

"(i) The total number of participants, by team, as of the day of the first scheduled contest for the team.

"(ii) Total operating expenses attributable to such teams, except that an institution may also report such expenses on a per capita basis for each team and expenditures attributable to closely related teams such as track and field or swimming and diving, may be reported together, although such combinations shall be reported separately for men's and women's teams.

"(iii) Whether the head coach is male or female and whether the head coach is assigned to that team on a full-time or part-time basis. Graduate assistants and volunteers who serve as head coaches shall be considered to be head coaches for the purposes of this clause.

"(iv) The number of assistant coaches who are male and the number of assistant coaches who are female for each team and whether a particular coach is assigned to that team on a full-time or part-time basis. Graduate assistants and volunteers who serve as assistant coaches shall be considered to be assistant coaches for the purposes of this clause.

"(C) The total amount of money spent on athletically related student aid, including the value of waivers of educational expenses, separately for men's and women's teams overall.

"(D) The ratio of athletically related student aid awarded male athletes to athletically related student aid awarded female athletes.

"(E) The total amount of expenditures on recruiting, separately for men's and women's teams overall.

"(F) The total annual revenues generated across all men's teams and across all women's teams, except that an institution may also report such revenues by individual team.

"(G) The average annual institutional salary of the head coaches of men's teams, across all offered sports, and the average annual institutional salary of the head coaches of women's teams, across all offered sports.

"(H) The average annual institutional salary of the assistant coaches of men's teams, across all offered sports, and the average annual institutional salary of the assistant coaches of women's teams, across all offered sports.

"(2) S*PECIAL RULE.—For the purposes of subparagraph (G), if a coach has responsibilities for more than one team and the institution does not allocate such coach's salary by team, the institution should divide the salary by the number of teams for*

which the coach has responsibility and allocate the salary among the teams on a basis consistent with the coach's responsibilities for the different teams.

"(3) DISCLOSURE OF INFORMATION TO STUDENTS AND PUBLIC.—An institution of higher education described in paragraph (1) shall make available to students and potential students, upon request, and to the public, the information contained in the report described in paragraph (1), except that all students shall be informed of their right to request such information.

"(4) DEFINITION.—For the purposes of this subsection, the term 'operating expenses' means expenditures on lodging and meals, transportation, officials, uniforms and equipment.

"(5) REGULATIONS AND EFFECTIVE DATE.—The Secretary shall issue final regulations to implement the requirements of this subsection not later than 180 days following the enactment of this subsection. Each institution described in paragraph (1) shall make available its first report pursuant to this section not later than October 1, 1996.".

SEC. 360C. FEDERAL INSURANCE FOR BONDS.

Subsection (b) of section 723 of the Higher Education Act of 1965 (20 U.S.C. 1132c–2(b)) is amended—

(1) in paragraph (8)—

(A) in subparagraph (A), by inserting ", with each eligible institution required to maintain in the escrow account an amount equal to 10 percent of the outstanding principal of all loans made to such institution under this part" before the semicolon; and

(B) by amending clause (ii) of subparagraph (B) to read as follows:

"(ii) shall be used to return to an eligible institution an amount equal to any remaining portion of such institution's 10 percent deposit of loan proceeds following scheduled repayment of such institution's loan;"; and

(2) in paragraph (11), by striking "regulations" and inserting "conditions".

SEC. 360D. GRANTS TO STATES FOR WORKPLACE AND COMMUNITY TRANSITION TRAINING FOR INCARCERATED YOUTH OFFENDERS.

Title X of the Higher Education Act of 1965 (20 U.S.C. 1135 et seq.) is amended by adding at the end the following new part.

"PART E—GRANTS TO STATES FOR WORKPLACE AND COMMUNITY TRANSITION TRAINING FOR INCARCERATED YOUTH OFFENDERS

"SEC. 1091. GRANTS TO STATES FOR WORKPLACE AND COMMUNITY TRANSITION TRAINING FOR INCARCERATED YOUTH OFFENDERS.

"(a) FINDINGS.—The Congress finds the following:

"(1) Over 150,000 youth offenders age 21 and younger are incarcerated in the Nation's jails, juvenile facilities, and prisons.

"(2) Most youth offenders who are incarcerated have been sentenced as first-time adult felons.

"(3) Approximately 75 percent of youth offenders are high school dropouts who lack basic literacy and life skills, have little or no job experience, and lack marketable skills.

"(4) The average incarcerated youth has attended school only through grade 10.

"(5) Most of these youths can be diverted from a life of crime into productive citizenship with available educational, vocational, work skills, and related service programs.

"(6) If not involved with educational programs while incarcerated, almost all of these youths will return to a life of crime upon release.

"(7) The average length of sentence for a youth offender is about 3 years. Time spent in prison provides a unique opportunity for education and training.

"(8) Even with quality education and training provided during incarceration, a period of intense supervision, support, and counseling is needed upon release to ensure effective reintegration of youth offenders into society.

"(9) Research consistently shows that the vast majority of incarcerated youths will not return to the public schools to complete their education.

"(10) There is a need for alternative educational opportunities during incarceration and after release.

"(b) DEFINITION.—For purposes of this part, the term 'youth offender' means a male or female offender under the age of 25, who is incarcerated in a State prison, including a prerelease facility.

"(c) GRANT PROGRAM.—The Secretary shall establish a program in accordance with this section to provide grants to the State correctional education agencies to assist and encourage incarcerated youths to acquire functional literacy, life, and job skills, through the pursuit of a postsecondary education certificate, or an associate of arts or bachelor's degree while in prison, and employment counseling and other related services which start during incarceration and continue through prerelease and while on parole.

"(d) APPLICATION.—To be eligible for a grant under this section, a State correctional education agency shall submit to the Secretary a proposal for a youth offender program that—

"(1) identifies the scope of the problem, including the number of incarcerated youths in need of postsecondary education and vocational training;

"(2) lists the accredited public or private educational institution or institutions that will provide postsecondary educational services;

"(3) lists the cooperating agencies, public and private, or businesses that will provide related services, such as counseling in the areas of career development, substance abuse, health, and parenting skills;

"(4) describes the evaluation methods and performance measures that the State correctional education agency will employ, provided that such methods and measures are appropriate to meet the goals and objectives of the proposal, and that such methods and measures include measures of—

"(A) program completion;

"(B) student academic and vocational skill attainment;

"(C) success in job placement and retention; and

"(D) recidivism;

"(5) describes how the proposed programs are to be integrated with existing State correctional education programs (such as adult education, graduate education degree programs, and vocational training) and State industry programs;

"(6) addresses the educational needs of youth offenders who are in alternative programs (such as boot camps); and

"(7) describes how students will be selected so that only youth offenders eligible under subsection (f) will be enrolled in postsecondary programs.

"(e) PROGRAM REQUIREMENTS.—Each State correctional education agency receiving a grant under this section shall—

"(1) integrate activities carried out under the grant with the objectives and activities of the school-to-work programs of such State, including—

"(A) work experience or apprenticeship programs;

"(B) transitional worksite job training for vocational education students that is related to the occupational goals of such students and closely linked to classroom and laboratory instruction;

"(C) placement services in occupations that the students are preparing to enter;

"(D) employment-based learning programs; and

"(E) programs that address State and local labor shortages;

"(2) annually report to the Secretary and the Attorney General on the results of the evaluations conducted using the methods and performance measures contained in the proposal; and

"(3) provide to each State for each student eligible under subsection (f) not more than $1,500 annually for tuition, books, and essential materials, and not more than $300 annually for related services such as career development, substance abuse counseling, parenting skills training, and health education, for each eligible incarcerated youth.

"(f) STUDENT ELIGIBILITY.—A youth offender shall be eligible for participation in a program receiving a grant under this section if the youth offender—

"(1) is eligible to be released within five years (including a youth offender who is eligible for parole within such time); and

"(2) is 25 years of age or younger.

"(g) LENGTH OF PARTICIPATION.—A State correctional education agency receiving a grant under this section shall provide educational and related services to each participating youth offender for a period not to exceed 5 years, 1 year of which may be devoted to study in a graduate education degree program or to remedial education services for students who have obtained a secondary school diploma. Educational and related services shall start during the period of incarceration in prison or prerelease and may continue during the period of parole.

"(h) EDUCATION DELIVERY SYSTEMS.—State correctional education agencies and cooperating institutions shall, to the extent practicable, use high-tech applications in developing programs to meet the requirements and goals of this section.

"(i) ALLOCATION OF FUNDS.—From the amounts appropriated pursuant to subsection (j), the Secretary shall allot to each State an amount that bears the same relationship to such funds as the total number of students eligible under subsection (f) in such State bears to the total number of such students in all States.

"(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for fiscal year 1995 and such sums as may be necessary for fiscal year 1996 and each of the four succeeding fiscal years.".

PART F—OTHER ACTS

SEC. 361. GOALS 2000: EDUCATE AMERICA ACT.

(a) REPEALS.—Sections 231, 232, 234, and 235 of the Goals 2000: Educate America Act (20 U.S.C. 5861, 5862, 5863, and 5864) are repealed.

(b) GIFT AUTHORITY.—

(1) NATIONAL EDUCATION GOALS PANEL.—Section 204 of the Goals 2000: Educate America Act (20 U.S.C. 5824) is amended by adding at the end the following new subsection:

"(f) GIFTS.—The Goals Panel may accept, administer, and utilize gifts or donations of services, money, or property, whether real or personal, tangible or intangible.".

(2) NATIONAL EDUCATION STANDARDS AND IMPROVEMENT COUNCIL.—Section 215 of the Goals 2000: Educate America Act (20 U.S.C. 5845) is amended by adding at the end the following new subsection:

"(f) GIFTS.—The Council may accept, administer, and utilize gifts or donations of services, money, or property, whether real or personal, tangible or intangible.".

(c) LOCAL AGENCY PLAN APPROVAL.—Paragraph 4 of section 309(a) of the Goals 2000: Educate America Act (20 U.S.C. 5889) is amended by inserting "made by the local educational agency" after "modifications".

(d) STATE PLANNING FOR IMPROVING STUDENT ACHIEVEMENT THROUGH INTEGRATION OF TECHNOLOGY INTO THE CURRICULUM.—Subsection (b) of section 317 of the Goals 2000: Educate America Act (20 U.S.C. 5897(b)) is amended by adding at the end the following new paragraph:

"(3) OUTLYING AREAS.—(A) From the amount appropriated pursuant to the authority of subsection (f) for fiscal year 1995, the Secretary shall reserve a total of 1 percent to provide assistance under this section—

"(i) to the outlying areas; and

"(ii) for the Secretary of the Interior to conduct directly or through a contract, systemic technology planning for Bureau-funded schools.

"(B) The funds reserved under subparagraph (A) shall be distributed among the outlying areas and the Secretary of the Interior by the Secretary according to the relative need of such areas and schools for assistance under this section.".

SEC. 362. EDUCATION COUNCIL ACT OF 1991.

Title II of the Education Council Act of 1991 (20 U.S.C. 1221–1 note) is repealed.

SEC. 363. AUGUSTUS F. HAWKINS-ROBERT T. STAFFORD ELEMENTARY AND SECONDARY SCHOOL IMPROVEMENT AMENDMENTS OF 1988.

Title IV of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 (20 U.S.C. 4901 et seq.) is repealed.

SEC. 364. STAR SCHOOLS PROGRAM ASSISTANCE ACT.

The Star Schools Program Assistance Act (20 U.S.C. 4081 et seq.) is repealed.

SEC. 365. FUND FOR THE IMPROVEMENT AND REFORM OF SCHOOLS AND TEACHING ACT.

The Fund for the Improvement and Reform of Schools and Teaching Act (20 U.S.C. 4801) is repealed.

SEC. 366. TECHNOLOGY-RELATED ASSISTANCE FOR INDIVIDUALS WITH DISABILITIES ACT OF 1988.

(a) IN GENERAL.—Part E of title II of the Technology-Related Assistance for Individuals With Disabilities Act of 1988 (29 U.S.C. 2231 et seq.) is repealed.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the Technology-Related Assistance for Individuals With Disabilities Act Amendments of 1994.

SEC. 367. INDIAN EDUCATION ACT OF 1988.

The Indian Education Act of 1988 (25 U.S.C. 2601 note) is repealed.

SEC. 368. REHABILITATION ACT.

(a) IN GENERAL.—Notwithstanding any provision of the Rehabilitation Act of 1973, the amount otherwise payable to a State under section 111 of such Act shall be reduced for fiscal years 1987, 1988, and 1989, by the amount by which expenditures from non-Federal sources under the State plan under title I of such Act for such year are less than the total of such expenditures for fiscal year 1972.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the Rehabilitation Act Amendments of 1992.

SEC. 369. AMENDMENT TO THE CARL D. PERKINS VOCATIONAL AND APPLIED TECHNOLOGY EDUCATION ACT REGARDING THE TERRITORIES.

Section 101A of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2311a) is amended to read as follows:

"SEC. 101A. THE TERRITORIES.

"(a) THE TERRITORIES.—From funds reserved pursuant to section 101(a)(1)(C), the Secretary shall—

"(1) make a grant in the amount of $500,000 to Guam; and

"(2) make a grant in the amount of $190,000 to each of American Samoa and the Commonwealth of the Northern Mariana Islands.

"(b) REMAINDER.—Subject to the provisions of subsection (a), the Secretary shall make a grant of the remainder of funds reserved pursuant to section 101(a)(1)(C) to the Pacific Region Educational Laboratory in Honolulu, Hawaii, to make grants for vocational education and training in Guam, American Samoa, the Republic of Palau, the Commonwealth of the Northern Mariana Islands, the Federated States of Micronesia, and the Republic of the Marshall Islands, for the purpose of providing direct educational services, including—

"(1) teacher and counselor training and retraining;

"(2) curriculum development; and

"(3) improving vocational education and training programs in secondary schools and institutions of higher education, or improving cooperative education programs involving both secondary schools and institutions of higher education.

"(c) LIMITATION.—The Pacific Region Educational Laboratory may use not more than 5 percent of the funds received pursuant to subsection (b) for administrative costs.".

SEC. 370. FAMILY SUPPORT CENTER PROGRAM.

(a) ADMINISTRATIVE PROVISIONS.—Subsection (f) of section 772 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11482(f)) is amended—

(1) by amending paragraph (1) to read as follows:

"(1) ADMINISTRATIVE COSTS.—Two percent of the amounts appropriated under this title may be used by the Secretary to administer the programs established under this title and three percent of the amounts appropriated under this title may be used by the Secretary to evaluate such programs and to provide technical assistance to entities for the development and submission of applications for grants under this section.";

(2) in paragraph (3), by striking "2 years" and inserting "3 years"; and

(3) by adding at the end thereof the following new paragraph:

"(4) MINIMUM AMOUNT.—No grant made under subsection (a) may be awarded in an amount that is less than $200,000 per year.".

(b) REPORT.—The matter preceding paragraph (1) of section 777 of such Act (42 U.S.C. 11487) is amended by striking "1992" and inserting "1995".

(c) AUTHORIZATION FOR APPROPRIATIONS.—Section 779 of such Act (42 U.S.C. 11489) is amended by striking "for fiscal year 1993" and inserting "for each of the fiscal years 1993 through 1998".

(d) TECHNICAL AMENDMENT.—Subsection (a) of section 774 of such Act (42 U.S.C. 11484(a)) is amended by striking "subsection (e)" and inserting "subsection (d)".

SEC. 371. THE NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES ACT OF 1965.

Subsection (c) of section 11 of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 960(c)) is amended—

(1) in the second sentence of paragraph (1)—

(A) by striking "any fiscal year" and inserting "fiscal year 1995"; and

(B) by striking "$50,000" and inserting "$100,000"; and

(2) in the second sentence of paragraph (2)—

(A) by striking "any fiscal year" and inserting "fiscal year 1995"; and

(B) by striking "$50,000" and inserting "$100,000".

SEC. 372. OFFICE OF INDIAN EDUCATION; OFFICE OF BILINGUAL EDUCATION.

Title II of the Department of Education Organization Act (20 U.S.C. 3411 et seq.) is further amended—

(1) by redesignating section 215 as section 217; and

(2) by adding after section 214 (as added by section 271(c)) the following new section:

"SEC. 215. OFFICE OF INDIAN EDUCATION.

"(a) Office of Indian Education.—There shall be an Office of Indian Education (referred to in this section as 'the Office') in the Department of Education.

"(b) Director.—

"(1) Appointment and reporting.—The Office shall be under the direction of the Director, who shall be appointed by the Secretary and who shall report directly to the Assistant Secretary for Elementary and Secondary Education.

"(2) Duties.—The Director shall—

"(A) be responsible for administering this title;

"(B) be involved in, and be primarily responsible for, the development of all policies affecting Indian children and adults under programs administered by the Office of Elementary and Secondary Education;

"(C) coordinate the development of policy and practice for all programs in the Department relating to Indian persons; and

"(D) assist the Assistant Secretary of the Office of Educational Research and Improvement in identifying research priorities related to the education of Indian persons.

"(c) Indian Preference in Employment.—

"(1) In general.—The Secretary shall give a preference to Indian persons in all personnel actions in the Office.

"(2) Implementation.—Such preference shall be implemented in the same fashion as the preference given to any veteran under section 45 of title 25, United States Code.

"SEC. 216. OFFICE OF BILINGUAL EDUCATION AND MINORITY LANGUAGES AFFAIRS.

"(a) Establishment.—There shall be, in the Department, an Office of Bilingual Education and Minority Languages Affairs through which the Secretary shall carry out functions relating to bilingual education.

"(b) Director.—

"(1) In general.—The Office shall be headed by a Director of Bilingual Education and Minority Languages Affairs, appointed by the Secretary, to whom the Secretary shall delegate all delegable functions relating to bilingual education. The Director shall also be assigned responsibility for recommending

improvements and providing technical assistance to other Federal programs serving language-minority and limited-English-proficient students and their families and for assisting the Assistant Secretary of the Office of Educational Research and Improvement in identifying research priorities which reflect the needs of language-minority and limited-English language proficient students.

"(2) ORGANIZATION.—The Office shall be organized as the Director determines to be appropriate in order to carry out such functions and responsibilities effectively.

"(3) INCLUSION.—The Secretary shall ensure that limited-English-proficient and language-minority students are included in ways that are valid, reliable, and fair under all standards and assessment development conducted or funded by the Department.".

PART G—LIBRARY SERVICES AND CONSTRUCTION REAUTHORIZATION

SEC. 375. LIBRARY SERVICES AND CONSTRUCTION ACT AUTHORIZATIONS.

(a) IN GENERAL.—Subsection (a) of section 4 of the Library Services and Construction Act (20 U.S.C. 351b(a)) is amended—

(1) by striking "for fiscal year 1990 and such sums as may be necessary for each of the 4 succeeding fiscal years" each place the phrase appears and inserting "for fiscal year 1995"; and

(2) in the matter following paragraph (7), by striking "each of the fiscal years 1990, 1991, 1992, 1993, and 1994" and inserting "fiscal year 1995".

(b) FAMILY LEARNING CENTERS.—Section 806 (20 U.S.C. 385e) is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 806. There are authorized to be appropriated such sums as may be necessary for fiscal year 1995 to carry out this part.".

(c) LIBRARY LITERACY CENTERS.—Section 818 (20 U.S.C. 386g) is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 818. There are authorized to be appropriated such sums as may be necessary for fiscal year 1995 to carry out this part.".

PART H—AMENDMENTS TO STATUTES PERTAINING TO INDIAN EDUCATION

SEC. 381. BUREAU OF INDIAN AFFAIRS.

Part B of title XI of the Education Amendments of 1978 (25 U.S.C. 2001 et seq.) is amended to read as follows:

"PART B—BUREAU OF INDIAN AFFAIRS PROGRAMS

"SEC. 1121. STANDARDS FOR THE BASIC EDUCATION OF INDIAN CHILDREN IN BUREAU OF INDIAN AFFAIRS SCHOOLS.

"(a)(1) The purpose of the standards developed under this section shall be to afford Indian students being served by a Bureau funded school with the same opportunities as all other students to achieve the National Education Goals embodied in the Goals 2000: Educate America Act. Consistent with the provisions of this section and section 1131, the Secretary shall take such actions as are necessary to coordinate standards developed and implemented under this section with those in the State improvement plans developed and implemented pursuant to the Goals 2000: Educate America Act for the States in which each Bureau funded school operates. In developing and reviewing such standards and coordination, the Secretary shall utilize the findings and recommendations of the panel established in section 315(b)(4) of such Act.

"(2) The Secretary shall take immediate steps to encourage school boards of Bureau funded schools to engage their communities in adopting declarations of purposes of education in their communities, analyzing the implications of such purposes for their schools, and determining how such purposes may be made to motivate students and faculties and otherwise animate their schools by May 1, 1995. Such declarations shall represent the aspirations of a community for the kinds of persons such community wants its children to increasingly become, and shall include such purposes as assuring that all learners are becoming accomplished in ways important to themselves and respected by their parents and communities, shaping worthwhile and satisfying lives for themselves, exemplifying the best values of the community and humankind, and becoming increasingly effective in shaping the character and quality of the world all learners share.

"(b) Within 18 months of the publication of the voluntary national content standards described in section 213(a) of the Goals 2000: Educate America Act, the Secretary, in consultation with the Secretary of Education and Indian organizations and tribes, shall carry out or cause to be carried out by contract with an Indian organization such studies and surveys, making the fullest use possible of other existing studies, surveys, and plans, as are necessary to establish and revise standards for the basic education of Indian children attending Bureau funded schools. Such studies and surveys shall take into account factors such as academic needs, local cultural differences, type and level of language skills, geographic isolation, and appropriate teacher-student ratios for such children, and shall be directed toward the attainment of equal educational opportunity for such children.

"(c)(1) The Secretary shall revise the minimum academic standards published in the Federal Register of September 9, 1985 (50 Fed. Reg. 174) for the basic education of Indian children in accordance with the purpose described in subsection (a) and the findings of the studies and surveys described in subsection (b), and shall publish such revised standards in the Federal Register for the purpose of receiving comments from the tribes and other interested parties. Within 21 months of the date of enactment of the Improving America's Schools Act of 1994, the Secretary shall establish final

standards, distribute such standards to all the tribes and publish such final standards in the Federal Register. The Secretary shall revise such final standards periodically as necessary. Prior to any revision of such final standards, the Secretary shall distribute such proposed revision to all the tribes, and publish such proposed revision in the Federal Register, for the purpose of receiving comments from the tribes and other interested parties.

"(2) The standards described in paragraph (1) shall apply to Bureau schools, and subject to subsection (f), to contract or grant schools, and may also serve as a model for educational programs for Indian children in public schools. In establishing and revising such standards, the Secretary shall take into account the special needs of Indian students and the support and reinforcement of the specific cultural heritage of each tribe.

"(d) The Secretary shall provide alternative or modified standards in lieu of the standards established under subsection (c), where necessary, so that the programs of each school shall be in compliance with the minimum standards required for accreditation of schools in the State where the school is located.

"(e) A tribal governing body, or the local school board so designated by the tribal governing body, shall have the local authority to waive, in part or in whole, the standards established under subsection (c) and (d), where such standards are deemed by such body to be inappropriate. The tribal governing body or designated school board shall, within 60 days thereafter, submit to the Secretary a proposal for alternative standards that take into account the specific needs of the tribe's children. Such revised standards shall be established by the Secretary unless specifically rejected by the Secretary for good cause and in writing to the affected tribes or local school board, which rejection shall be final and unreviewable.

"(f)(1) The Secretary, through contracting and grant-making procedures, shall assist school boards of contract or grant schools in the implementation of the standards established under subsections (c) and (d), if the school boards request that such standards, in part or in whole, be implemented. At the request of a contract or grant school board, the Secretary shall provide alternative or modified standards for the standards established under subsections (c) and (d) to take into account the needs of the Indian children and the contract or grant school.

"(2) Within 1 year of the date of the enactment of the Indian Education Technical Amendments Act of 1985, the Bureau shall, either directly or through contract with an Indian organization, establish a consistent system of reporting standards for fiscal control and fund accounting for all contract or grant schools. Such standards shall yield data results comparable to those used by Bureau schools.

"(g) Subject to subsections (e) and (f), the Secretary shall begin to implement the standards established under this section immediately upon the date of their establishment. Not later than January 1, 1995, and at each time thereafter that the annual budget request for Bureau educational services is presented, the Secretary shall submit to the appropriate committees of Congress a detailed plan to bring all Bureau schools and contract or grant schools up to the level required by the applicable standards established under this

section. Such plan shall include detailed information on the status of each school's educational program in relation to the applicable standards established under this section, specific cost estimates for meeting such standards at each school, and specific time lines for bringing each school up to the level required by such standards.

"(h)(1) Except as specifically required by statute, no school or peripheral dormitory operated by the Bureau on or after January 1, 1992, may be closed or consolidated or have its program substantially curtailed unless done according to the requirements of this subsection, except that, in those cases where the tribal governing body, or the local school board concerned (if so designated by the tribal governing body), requests closure or consolidation, the requirements of this subsection shall not apply. The requirements of this subsection shall not apply when a temporary closure, consolidation, or substantial curtailment is required by plant conditions which constitute an immediate hazard to health and safety.

"(2) The Secretary shall, by regulation, promulgate standards and procedures for the closing, consolidation, or substantial curtailment of Bureau schools in accordance with the requirements of this subsection.

"(3) Whenever closure, transfer to any other authority, consolidation, or substantial curtailment of a school is under active consideration or review by any division of the Bureau or the Department of the Interior, the affected tribe, tribal governing body, and designated local school board, will be notified as soon as such consideration or review begins, kept fully and currently informed, and afforded an opportunity to comment with respect to such consideration or review. When a formal decision is made to close, transfer to any other authority, consolidate, or substantially curtail a school, the affected tribe, tribal governing body, and designated local school board shall be notified at least 6 months prior to the end of the school year preceding the proposed closure date. Copies of any such notices and information shall be transmitted promptly to the Congress and published in the Federal Register.

"(4) The Secretary shall make a report to Congress, the affected tribe, and the designated local school board describing the process of the active consideration or review referred to in paragraph (3). At a minimum, the report shall include a study of the impact of such action on the student population, with every effort to identify those students with particular educational and social needs, and to ensure that alternative services are available to such students. Such report shall include the description of the consultation conducted between the potential service provider, current service provider, parents, tribal representative and the tribe or tribes involved, and the Director of the Office of Indian Education Programs within the Bureau regarding such students. No irreversible action may be taken in furtherance of any such proposed school closure, transfer to any other authority, consolidation, or substantial curtailment (including any action which would prejudice the personnel or programs of such school) until the end of the first full academic year after such report is made.

"(5) The Secretary may terminate, contract, transfer to any other authority, or consolidate or substantially curtail the operation or facilities of—

"(A) any Bureau funded school that is operated on or after April 1, 1987,

"(B) any program of such a school that is operated on or after April 1, 1987, or

"(C) any school board of a school operated under a grant under the Tribally Controlled Schools Act of 1988, only if the tribal governing body approves such action.

"(i) There are authorized to be appropriated such sums as may be necessary, for academic program costs, in order to bring all Bureau schools and contract or grant schools up to the level required by the applicable standards established under this section.

"(j)(1) All Bureau funded schools shall include within their curriculum a program of instruction relating to alcohol and substance abuse prevention and treatment. The Assistant Secretary shall provide the technical assistance necessary to develop and implement such a program for students in kindergarten and grades 1 through 12, at the request of—

"(A) any Bureau school (subject to the approval of the school board of such school);

"(B) any school board of a school operating under a contract entered into under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.); or

"(C) any school board of a school operating under a grant under the Tribally Controlled Schools Act of 1988.

"(2) In schools operated directly by the Bureau, the Secretary shall provide for—

"(A) accurate reporting of all incidents relating to alcohol and substance abuse; and

"(B) individual student crisis intervention.

"(3) The programs requested under paragraph (1) shall be developed in consultation with the Indian tribe that is to be served by such program and health personnel in the local community of such tribe.

"(4) Schools requesting program assistance under this subsection are encouraged to involve family units and, where appropriate, tribal elders and Native healers in such instructions.

"(k) For purposes of this section, the term 'tribal governing body' means, with respect to any school, the tribal governing body, or tribal governing bodies, that represent at least 90 percent of the students served by such school.

"(l)(1)(A)(i) The Secretary shall only consider the factors described in subparagraphs (B) and (C) in reviewing—

"(I) applications from any tribe for the awarding of a contract or grant for a school that is not a Bureau funded school; and

"(II) applications from any tribe or school board of any Bureau funded school for—

"(aa) a school which is not a Bureau funded school; or

"(bb) the expansion of a Bureau funded school which would increase the amount of funds received by the Indian tribe or school board under section 1127.

"(ii) The Secretary shall give consideration to all of the factors under clause (i), but none of the applications under clause (i) may

be denied based primarily upon the geographic proximity of public education.

"(B) The Secretary shall consider the following factors relating to the program that is the subject of an application described in subparagraph (A):

"(i) The adequacy of facilities or the potential to obtain or provide adequate facilities.

"(ii) Geographic and demographic factors in the affected areas.

"(iii) Adequacy of the applicant's program plans or, in the case of a Bureau funded school, of projected needs analysis done either by a tribe or by Bureau personnel.

"(iv) Geographic proximity of comparable public education.

"(v) The stated needs of all affected parties, including students, families, tribal governments at both the central and local levels, and school organizations.

"(C) The Secretary shall consider with respect to applications described in subparagraph (A) the following factors relating to all the educational services available at the time the application is considered:

"(i) Geographic and demographic factors in the affected areas.

"(ii) Adequacy and comparability of programs already available.

"(iii) Consistency of available programs with tribal educational codes or tribal legislation on education.

"(iv) The history and success of these services for the proposed population to be served, as determined from all factors and not just standardized examination performance.

"(2)(A) The Secretary shall make a determination of whether to approve any application described in paragraph (1)(A) by not later than the date that is 180 days after the day on which such application is submitted to the Secretary.

"(B) If the Secretary fails to make the determination described in subparagraph (A) with respect to an application by the date described in subparagraph (A), the application shall be treated as having been approved by the Secretary.

"(3)(A) Any application described in paragraph (1)(A) may be submitted to the Secretary only if—

"(i) the application has been approved by the tribal governing body of the students served by (or to be served by) the school or program that is the subject of the application, and

"(ii) written evidence of such approval is submitted with the application.

"(B) Each application described in paragraph (1)(A)—

"(i) shall provide information concerning each of the factors described in paragraph (1)(B), and

"(ii) may provide information concerning the factors described in paragraph (1)(C).

"(4) Whenever the Secretary makes a determination to deny approval of any application described in paragraph (1)(A), the Secretary shall—

"(A) state the objections in writing to the applicant by not later than the date that is 180 days after the day on which the application is submitted to the Secretary,

"(B) provide assistance to the applicant to overcome stated objections, and

"(C) provide the applicant a hearing, under the same rules and regulations pertaining to the Indian Self-Determination and Education Assistance Act, and an opportunity to appeal the objections raised by the Secretary.

"(5)(A) Except as otherwise provided in this paragraph, the action which is the subject of any application described in paragraph (1)(A) that is approved by the Secretary shall become effective with the commencement of the academic year succeeding the fiscal year in which the application is approved, or at an earlier date determined by the Secretary.

"(B) If an application is treated as having been approved by the Secretary by reason of paragraph (2)(B), the action that is the subject of the application shall become effective on the date that is 18 months after the date on which the application is submitted to the Secretary, or at an earlier date determined by the Secretary.

"SEC. 1122. NATIONAL CRITERIA FOR DORMITORY SITUATIONS.

"(a) The Secretary, in consultation with the Secretary of the Department of Education, and in consultation with Indian organizations and tribes, shall conduct or cause to be conducted by contract with an Indian organization, a study of the costs applicable to boarding arrangements for Indian students provided in Bureau schools, and contract or grant schools, for the purpose of establishing national criteria for such dormitory situations. Such criteria shall include adult-child ratios, needs for counselors (including special needs related to off-reservation boarding arrangements), space, and privacy.

"(b) Not later than January 1, 1996, the Secretary shall propose such criteria, and shall distribute such proposed criteria to the tribes and publish such proposed criteria in the Federal Register for the purpose of receiving comments from the tribes and other interested parties. Within 18 months of the date of the enactment of the Improving America's Schools Act of 1994, the Secretary shall establish final criteria, distribute such final criteria to all the tribes, and publish such final criteria in the Federal Register. The Secretary shall revise such final criteria periodically as necessary. Any revisions to the criteria established under this section shall be developed subject to requirements established under section 1131.

"(c) The Secretary shall begin to implement the criteria established under this section immediately upon the date of the establishment of such criteria. Not later than January 1, 1997, and at each time thereafter that the annual budget request for Bureau educational services is presented, the Secretary shall submit to the appropriate committees of Congress a detailed plan to bring all Bureau contract boarding schools up to the criteria established under this section. Such plan shall include predictions for the relative need for each boarding school in the future, detailed information on the status of each school in relation to the criteria established under this section, specific cost estimates for meeting such criteria at each

school, and specific time lines for bringing each school up to the level required by such criteria.

"(d)(1) The criteria established under this section may be waived in the same manner as the standards provided under section 1121(c) may be waived under section 1121(e).

"(2) No school in operation on or before January 1, 1987, (regardless of compliance or noncompliance with the criteria established under this section) may be closed, transferred to another authority, consolidated or have its program substantially curtailed for failure to meet the criteria.

"(3) By not later than May 1, 1996, the Secretary shall submit to the Congress a report detailing the costs associated with, and the actions necessary for, complete compliance with the criteria established under this section.

"(e) There are authorized to be appropriated such sums as may be necessary in order to bring each school up to the level required by the criteria established under this section.

"SEC. 1123. REGULATIONS.

"(a) The provisions of part 32 of title 25 of the Code of Federal Regulations, as in effect on January 1, 1987, are incorporated into this Act and shall be treated as though such provisions are set forth in this subsection. Accordingly, such provisions may be altered only by means of an amendment to this subsection that is contained in an Act or joint resolution which is enacted into law. To the extent that such provisions of part 32 do not conform with this Act or any statutory provision of law enacted before the date of enactment of this Act, the provisions of this Act and the provisions of such other statutory law shall govern.

"(b) The provisions of parts 31, 33, 36, 39, 42, and 43 of title 25 of the Code of Federal Regulations, as in effect on January 1, 1987, shall be applied by the Federal Government and shall not, before July 1, 1989, be amended, revoked, or altered in any manner. No officer or employee of the executive branch shall have the authority to issue any other regulations, prior to July 1, 1989, that supersede, supplement, or otherwise affect the provisions of such parts. To the extent that the provisions of such parts do not conform with this Act or any statutory provision of law enacted before the date of enactment of this Act, the provisions of this Act and the provisions of such other statutory law shall govern.

"(c) After June 30, 1989, no regulation prescribed for the application of any program provided under this title shall become effective unless—

"(1) the regulation has been published as a proposed regulation in the Federal Register,

"(2) an opportunity of not less than 90 days has been afforded the public to comment on the published proposed regulation, and

"(3) the regulation has, after such period for public comment, been published in the Federal Register as a final regulation.

"(d) For purposes of this section, the term 'regulation' means any rules, regulations, guidelines, interpretations, orders, or requirements of general applicability prescribed by any officer or employee of the executive branch.

"SEC. 1124. SCHOOL BOUNDARIES.

"(a) The Secretary shall, in accordance with this section, establish separate geographical attendance areas for each Bureau school.

"(b)(1) Except as provided in paragraph (2), on or after July 1, 1985, no attendance area shall be changed or established with respect to any Bureau funded school unless the tribal governing body or the local school board concerned (if so designated by the tribal governing body) has been (i) afforded at least six months notice of the intention of the Bureau to change or establish such attendance area, and (ii) given the opportunity to propose alternative boundaries. Any tribe may petition the Secretary for revision of existing attendance area boundaries. The Secretary shall accept such proposed alternative or revised boundaries unless the Secretary finds, after consultation with the affected tribe or tribes, that such revised boundaries do not reflect the needs of the Indian students to be served or do not provide adequate stability to all of the affected programs.

"(2) In any case where there is more than 1 Bureau funded school located on an Indian reservation, at the direction of the tribal governing body, the relevant school boards of the Bureau funded schools on the reservation may, by mutual consent, establish the relevant attendance areas for such schools, subject to the approval of the tribal governing body. Any such boundaries so established shall be accepted by the Secretary.

"(c) In any case where there is only 1 Bureau operated program located on an Indian reservation, the attendance area for the program shall be the boundaries of the reservation served, and those students residing near the reservation shall also receive services from such program.

"(d) The Bureau shall include in the regulations the requirement that each appropriate education line officer coordinate and consult with the affected tribes and relevant school boards in the establishment of such geographic boundaries.

"SEC. 1125. FACILITIES CONSTRUCTION.

"(a) The Secretary shall immediately begin to bring all schools, dormitories, and other facilities operated by the Bureau or under contract or grant with the Bureau in connection with the education of Indian children into compliance with all applicable Federal, tribal, or State health and safety standards, whichever provide greater protection (except that the tribal standards to be applied shall be no greater than any otherwise applicable Federal or State standards), with section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), and with the Americans with Disabilities Act of 1990, except that nothing in this section shall require termination of the operations of any facility which does not comply with such provisions and which is in use on the date of enactment of the Improving America's Schools Act of 1994.

"(b) By January 1, 1996, and at each time thereafter that the annual budget request for Bureau educational services is presented, the Secretary shall submit to the appropriate committees of Congress a detailed plan to bring such facilities into compliance with such standards. Such plan shall include detailed information on the status of each facility's compliance with such standards, specific

cost estimates for meeting such standards at each school, and specific time lines for bringing each school into compliance with such standards.

"(c) Within six months of the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress, and publish in the Federal Register, the system used to establish priorities for school construction projects. At the time any budget request for school construction is presented, the Secretary shall publish in the Federal Register and submit with the budget request the current list of all school construction priorities.

"(d)(1) A Bureau school may be closed or consolidated, and the programs of a Bureau school may be substantially curtailed, by reason of plant conditions that constitute an immediate hazard to health and safety only if a health and safety officer of the Bureau determines that such conditions exist at the Bureau school.

"(2)(A) In making determinations described in paragraph (1) before July 1, 1989, health and safety officers of the Bureau shall use the health and safety guidelines of the Bureau that were in effect on January 1, 1988.

"(B)(i) If—

"(I) the Secretary fails to publish in the Federal Register in final form before July 1, 1989, and

"(II) action described in paragraph (1) is taken after June 30, 1989, and before the date on which such regulations are published in final form in the Federal Register by reason of the condition of any plant,

an inspection of the condition of such plant shall be conducted by an appropriate tribal, county, municipal, or State health and safety officer to determine whether conditions at such plant constitute an immediate hazard to health and safety. Such inspection shall be completed by not later than the date that is 30 days after the date on which the action described in paragraph (1) is taken.

"(ii) The inspection required under clause (i) shall be conducted by a health and safety officer designated jointly by the Secretary and the tribes affected by the action described in paragraph (1). If the Secretary and such tribes are unable to agree on the designation of the health and safety officer, the Secretary shall designate the health and safety officer and shall provide notice of such designation to each of such tribes before the inspection is conducted by such officer.

"(iii) If the health and safety officer conducting an inspection of a plant required under clause (i) determines that conditions at the plant do not constitute an immediate hazard to health and safety, any consolidation or curtailment that was made by reason of conditions at the plant shall immediately cease and any school closed by reason of conditions at the plant shall be reopened immediately.

"(3) If—

"(A) a Bureau school is temporarily closed or consolidated, or the programs of a Bureau school are substantially curtailed, by reason of plant conditions that constitute an immediate hazard to health and safety, and

"(B) the Secretary estimates that the closure, consolidation, or curtailment will be more than 1 year in duration,

the Secretary shall submit to the Congress, by not later than the date that is 6 months after the date on which the closure, consolidation, or curtailment is initiated, a report which sets forth the reasons for such temporary actions and the actions the Secretary is taking to eliminate the conditions that constitute the hazard.

"(e) There are authorized to be appropriated such sums as may be necessary to carry out subsection (a).

"SEC. 1126. BUREAU OF INDIAN AFFAIRS EDUCATION FUNCTIONS.

"(a) The Secretary shall vest in the Assistant Secretary for Indian Affairs all functions with respect to formulation and establishment of policy and procedure, and supervision of programs and expenditures of Federal funds for the purpose of Indian education administered by the Bureau. The Assistant Secretary shall carry out such functions through the Director of the Office of Indian Education.

"(b) The Director of the Office shall direct and supervise the operations of all personnel directly and substantially involved with provision of education services by the Bureau, including school or institution custodial or maintenance personnel. The Assistant Secretary for Indian Affairs shall provide for the adequate coordination between the affected Bureau Offices and the Office to facilitate the consideration of all contract functions relating to education. Except as required by section 1129, nothing in this Act shall be construed to require the provision of separate support services for Indian education.

"(c) Education personnel who are under the direction and supervision of the Director of the Office in accordance with the first sentence of subsection (b) shall—

"(1) monitor and evaluate Bureau education programs,

"(2) provide all services and support functions for education programs with respect to personnel matters involving staffing actions and functions, and

"(3) provide technical and coordinating assistance in areas such as procurement, contracting, budgeting, personnel, and curriculum.

"(d)(1) The Assistant Secretary shall submit in the annual Budget a plan—

"(A) for school facilities to be constructed under the system required by section 1125(c);

"(B) for establishing priorities among projects and for the improvement and repair of education facilities, which together shall form the basis for the distribution of appropriated funds; and

"(C) including a 5-year plan for capital improvements.

"(2)(A) The Assistant Secretary shall establish a program, including the distribution of appropriated funds, for the operation and maintenance of education facilities. Such program shall include—

"(i) a method of computing the amount necessary for each education facility;

"(ii) similar treatment of all Bureau funded schools;

"(iii) a notice of an allocation of appropriated funds from the Director of the Office directly to the appropriate education line officers; and

"(iv) a system for the conduct of routine preventive maintenance.

"(B) The appropriate education line officers shall make arrangements for the maintenance of education facilities with the local supervisors of the Bureau maintenance personnel who are under the authority of the agency superintendent or area directors, respectively. The local supervisors of Bureau maintenance personnel shall take appropriate action to implement the decisions made by the appropriate education line officers, except that no funds under this part may be authorized for expenditure unless such appropriate education line officer is assured that the necessary maintenance has been, or will be, provided in a reasonable manner. Subject to the requirements of subsection (b) of this section, nothing in this Act shall be construed to require the provision of separate operations and maintenance personnel for the Office.

"(3) The requirements of this subsection shall be implemented not later than July 1, 1995.

"(e) Notwithstanding any other provision of law, the Director shall promulgate guidelines for the establishment of mechanisms for the acceptance of gifts and bequests for the use of, and benefit of, particular schools or designated Bureau operated education programs, including, where appropriate, the establishment and administration of trust funds. When a Bureau operated program is the beneficiary of such a gift or bequest, the Director shall make provisions for monitoring its use, and shall report to the appropriate committees of Congress the amount and terms of such gift or bequest, the use to which such gift or bequest is put, and any positive results achieved by such action.

"(f) For the purpose of this section the term 'functions' includes powers and duties.

"SEC. 1127. ALLOTMENT FORMULA.

"(a)(1) The Secretary shall establish, by regulation adopted in accordance with section 1139, a formula for determining the minimum annual amount of funds necessary to sustain each Bureau funded school. In establishing such formula, the Secretary shall consider—

"(A) the number of eligible Indian students served and size of the school;

"(B) special cost factors, such as—

"(i) the isolation of the school;

"(ii) the need for special staffing, transportation, or educational programs;

"(iii) food and housing costs;

"(iv) maintenance and repair costs associated with the physical condition of the educational facilities;

"(v) special transportation and other costs of isolated and small schools;

"(vi) the costs of boarding arrangements, where determined necessary by a tribal governing body or designated local school board;

"(vii) costs associated with greater lengths of service by educational personnel; and

"(viii) special programs for gifted and talented students;

"(C) the cost of providing academic services which are at least equivalent to those provided by public schools in the State in which the school is located; and

"(D) such other relevant factors as the Secretary determines are appropriate.

"(2) Upon the establishment of the standards required by sections 1121 and 1122, the Secretary shall revise the formula established under this subsection to reflect the cost and funding standards so established. Prior to January 1, 1996, the Secretary shall review the formula established under this section and shall take such steps as may be necessary to increase the availability of counseling services for students in off-reservation boarding schools and other Bureau operated residential facilities. Concurrent with such action, the Secretary shall review the standards established under section 1121 to be certain that adequate provision is made for parental notification regarding, and consent for, such counseling services.

"(b) Notwithstanding any other provisions of law, Federal funds appropriated for the general local operation of Bureau funded schools shall be allotted pro rata in accordance with the formula established under subsection (a).

"(c)(1) For fiscal year 1990, and for each subsequent fiscal year, the Secretary shall adjust the formula established under subsection (a) to—

"(A) use a weighted unit of 1.2 for each eligible Indian student enrolled in the seventh and eighth grades of the school in considering the number of eligible Indian students served by the school;

"(B) consider a school with an enrollment of less than 50 eligible Indian students as having an average daily attendance of 50 eligible Indian students for purposes of implementing the adjustment factor for small schools; and

"(C) take into account the provision of residential services on a less than 9-month basis at a school when the school board and supervisor of the school determine that a less than 9-month basis will be implemented for the school year involved.

"(2)(A) The Secretary shall reserve for national school board training 0.2 percent of the funds appropriated for each fiscal year for distribution under this section. Such training shall be conducted through the same organizations through which, and in the same manner in which, the training was conducted in fiscal year 1992, except that the contracts for distribution of such funds shall require that such funds be distributed by the recipient organizations in a manner that assures the same pro rata share is made available for training for each school board in the system. If the contract for such training is not awarded before May 1 of each fiscal year, the contract under which such training was provided for the fiscal year preceding such fiscal year shall be renewed by the Secretary for such fiscal year. The agenda for the training sessions shall be established by the school boards through their regional or national organizations.

"(B) For each year in which the Secretary uses a weighted unit formula established under subsection (a) to fund Bureau schools, a Bureau school which generates less than 168 weighted units shall *receive an additional 2 weighted units to defray school board activities.*

"(C) From the funds allotted in accordance with the formula established under subsection (a) for each Bureau school, the local school board of such school may reserve an amount which does not exceed the greater of—

"(i) $5,000, or

"(ii) the lesser of—

"(I) $15,000, or

"(II) 1 percent of such allotted funds,

for school board activities for such school, including and notwithstanding any other provision of law, meeting expenses and the cost of membership in, and support of, organizations engaged in activities on behalf of Indian education.

"(3) The Secretary shall adjust the formula established under subsection (a) to use a weighted unit of 2.0 for each eligible Indian student that—

"(A) is gifted and talented, and

"(B) is enrolled in the school on a full-time basis, in considering the number of eligible Indian students served by the school.

"(4)(A) The Secretary shall adjust the formula established under subsection (a) to use a weighted unit of 0.25 for each eligible Indian student who is enrolled in a year-long credit course in an Indian or Native language as part of the regular curriculum of a school, in considering the number of eligible Indian students served by such school.

"(B) The adjustment required under subparagraph (A) shall be used for such school after—

"(i) the certification of the Indian or Native language curriculum by the school board of such school to the Secretary, together with an estimate of the number of full-time students expected to be enrolled in the curriculum in the second school year following the school year for which the certification is made; and

"(ii) the funds appropriated for allotment under this section are designated by the appropriations Act appropriating such funds as the amount necessary to implement such adjustment at such school without reducing allotments made under this section to any school by virtue of such adjustment.

"(d) The Secretary shall reserve from the funds available for distribution for each fiscal year under this section an amount which, in the aggregate, shall equal 1 percent of the funds available for such purpose for that fiscal year. Such funds shall be used, at the discretion of the Director of the Office, to meet emergencies and unforeseen contingencies affecting the education programs funded under this section. Funds reserved under this subsection may only be expended for education services or programs at a schoolsite (as defined in section 5204(c)(2) of the Tribally Controlled Schools Act of 1988). Funds reserved under this subsection shall remain available without fiscal year limitation until expended. However, the aggregate amount available from all fiscal years may not exceed 1 percent of the current year funds. Whenever the Secretary makes funds

available under this subsection, the Secretary shall report such action to the appropriate committees of Congress within the annual budget submission.

"(e) Supplemental appropriations enacted to meet increased pay costs attributable to school level personnel shall be distributed under this section.

"(f) For the purpose of this section, the term 'eligible Indian student' means a student who—

"(1) is a member of or is at least a ¼ degree Indian blood descendant of a member of an Indian tribe which is eligible for the special programs and services provided by the United States through the Bureau to Indians because of their status as Indians, and

"(2) resides on or near an Indian reservation or meets the criteria for attendance at a Bureau off-reservation boarding school.

"(g)(1) An eligible Indian student may not be charged tuition for attendance at a Bureau school or contract or grant school. A student attending a Bureau school under paragraph (2)(C) may not be charged tuition.

"(2) The Secretary may permit the attendance at a Bureau school of a student who is not an eligible Indian student if—

"(A) the Secretary determines that the student's attendance will not adversely affect the school's program for eligible Indian students because of cost, overcrowding, or violation of standards,

"(B) the school board consents,

"(C) the student is a dependent of a Bureau, Indian Health Service, or tribal government, employee who lives on or near the school site, or

"(D) a tuition is paid for the student that is not more than that charged by the nearest public school district for out-of-district students, is in addition to the school's allocation under this section.

"(3) The school board of a contract or grant school may permit students who are not eligible Indian students under this subsection to attend its contract school or grant school and any tuition collected for those students is in addition to funding under this section.

"(h) Notwithstanding any other provision of law, at the election of the school board of a Bureau school made at any time during the fiscal year, a portion equal to not more than 15 percent of the funds allocated with respect to a school under this section for any fiscal year shall remain available to the school for expenditure without fiscal year limitation. The Assistant Secretary shall take steps as may be necessary to implement this provision immediately.

"(i) Beginning with academic year 1994–1995, tuition for the out-of-State students boarding at the Richfield Dormitory in Richfield, Utah, who attend Sevier County high schools in Richfield, Utah, shall be paid from the Indian school equalization program funds authorized in this section and section 1130 at a rate not to exceed the amount per weighted student unit for that year for the instruction of such students. No additional administrative cost funds shall be added to the grant.

"SEC. 1128. ADMINISTRATIVE COST GRANTS.

"(a)(1) The Secretary shall, subject to the availability of appropriated funds, provide grants to each tribe or tribal organization operating a contract school or grant school in the amount determined under this section with respect to the tribe or tribal organization for the purpose of paying the administrative and indirect costs incurred in operating contract or grant schools in order to—

"(A) enable tribes and tribal organizations operating such schools, without reducing direct program services to the beneficiaries of the program, to provide all related administrative overhead services and operations necessary to meet the requirements of law and prudent management practice, and

"(B) carry out other necessary support functions which would otherwise be provided by the Secretary or other Federal officers or employees, from resources other than direct program funds, in support of comparable Bureau operated programs.

"(2) Amounts appropriated to fund the grants provided under this section shall be in addition to, and shall not reduce, the amounts appropriated for the program being administered by the contract or grant school.

"(b)(1) The amount of the grant provided to each tribe or tribal organization under this section for each fiscal year shall be determined by applying the administrative cost percentage rate of the tribe or tribal organization to the aggregate of the Bureau elementary and secondary functions operated by the tribe or tribal organization for which funds are received from or through the Bureau. The administrative cost percentage rate determined under subsection (c) does not apply to other programs operated by the tribe or tribal organization.

"(2) The Secretary shall—

"(A) reduce the amount of the grant determined under paragraph (1) to the extent that payments for administrative costs are actually received by an Indian tribe or tribal organization under any Federal education program included in the direct cost base of the tribe or tribal organization, and

"(B) take such actions as may be necessary to be reimbursed by any other department or agency of the Federal Government for the portion of grants made under this section for the costs of administering any program for Indians that is funded by appropriations made to such other department or agency.

"(c)(1) For purposes of this section, the administrative cost percentage rate for a contract or grant school for a fiscal year is equal to the percentage determined by dividing—

"(A) the sum of—

"(i) the amount equal to—

"(I) the direct cost base of the tribe or tribal organization for the fiscal year, multiplied by

"(II) the minimum base rate, plus

"(ii) the amount equal to—

"(I) the standard direct cost base, multiplied by

"(II) the maximum base rate, by

"(B) the sum of—

"(i) the direct cost base of the tribe or tribal organization for the fiscal year, plus

"(ii) the standard direct cost base.

"(2) The administrative cost percentage rate shall be determined to the $^1/_{100}$ of a decimal point.

"(d)(1)(A) Funds received by a tribe or contract or grant school as grants under this section for tribal elementary or secondary educational programs may be combined by the tribe or contract or grant school into a single administrative cost account without the necessity of maintaining separate funding source accounting.

"(B) Indirect cost funds for programs at the school which share common administrative services with tribal elementary or secondary educational programs may be included in the administrative cost account described in subparagraph (A).

"(2) Funds received as grants under this section with respect to tribal elementary or secondary education programs shall remain available to the contract or grant school without fiscal year limitation and without diminishing the amount of any grants otherwise payable to the school under this section for any fiscal year beginning after the fiscal year for which the grant is provided.

"(3) Funds received as grants under this section for Bureau funded programs operated by a tribe or tribal organization under a contract or agreement shall not be taken into consideration for purposes of indirect cost underrecovery and overrecovery determinations by any Federal agency for any other funds, from whatever source derived.

"(4) In applying this section and section 105 of the Indian Self-Determination and Education Assistance Act with respect to an Indian tribe or tribal organization that—

> *"(A) receives funds under this section for administrative costs incurred in operating a contract or grant school or a school operated under the Tribally Controlled Schools Act of 1988, and*
>
> *"(B) operates 1 or more other programs under a contract or grant provided under the Indian Self-Determination and Education Assistance Act,*

the Secretary shall ensure that the Indian tribe or tribal organization is provided with the full amount of the administrative costs, and of the indirect costs, that are associated with operating the contract or grant school, a school operated under the Tribally Controlled Schools Act of 1988, and all of such other programs, except that funds appropriated for implementation of this section shall be used only to supply the amount of the grant required to be provided by this section.

"(e) For purposes of this section:

> *"(1)(A) The term 'administrative cost' means the costs of necessary administrative functions which—*
>
> > *"(i) the tribe or tribal organization incurs as a result of operating a tribal elementary or secondary educational program,*
> >
> > *"(ii) are not customarily paid by comparable Bureau operated programs out of direct program funds, and*
> >
> > *"(iii) are either—*
> >
> > > *"(I) normally provided for comparable Bureau programs by Federal officials using resources other than Bureau direct program funds, or*

"(II) are otherwise required of tribal self-determination program operators by law or prudent management practice.

"(B) The term 'administrative cost' may include—

"(i) contract or grant (or other agreement) administration;

"(ii) executive, policy, and corporate leadership and decisionmaking;

"(iii) program planning, development, and management;

"(iv) fiscal, personnel, property, and procurement management;

"(v) related office services and record keeping; and

"(vi) costs of necessary insurance, auditing, legal, safety and security services.

"(2) The term 'Bureau elementary and secondary functions' means—

"(A) all functions funded at Bureau schools by the Office;

"(B) all programs—

"(i) funds for which are appropriated to other agencies of the Federal Government, and

"(ii) which are administered for the benefit of Indians through Bureau schools; and

"(C) all operation, maintenance, and repair funds for facilities and government quarters used in the operation or support of elementary and secondary education functions for the benefit of Indians, from whatever source derived.

"(3)(A) Except as otherwise provided in this subparagraph (B), the direct cost base of a tribe or tribal organization for the fiscal year is the aggregate direct cost program funding for all tribal elementary or secondary educational programs operated by the tribe or tribal organization during—

"(i) the second fiscal year preceding such fiscal year, or

"(ii) if such programs have not been operated by the tribe or tribal organization during the 2 preceding fiscal years, the first fiscal year preceding such fiscal year.

"(B) In the case of Bureau elementary or secondary education functions which have not previously been operated by a tribe or tribal organization under contract, grant, or agreement with the Bureau, the direct cost base for the initial year shall be the projected aggregate direct cost program funding for all Bureau elementary and secondary functions to be operated by the tribe or tribal organization during that fiscal year.

"(4) The term 'maximum base rate' means 50 percent.

"(5) The term 'minimum base rate' means 11 percent.

"(6) The term 'standard direct cost base' means $600,000.

"(7) The term 'tribal elementary or secondary educational programs' means all Bureau elementary and secondary functions, together with any other Bureau programs or portions of programs (excluding funds for social services that are appropriated to agencies other than the Bureau and are expended through the Bureau, funds for major subcontracts, construction, and other major capital expenditures, and unexpended funds

carried over from prior years) which share common administrative cost functions, that are operated directly by a tribe or tribal organization under a contract, grant, or agreement with the Bureau.

"(f)(1) Upon the date of enactment of the Indian Education Amendments of 1988, the Secretary shall—

"(A) conduct such studies as may be needed to establish an empirical basis for determining relevant factors substantially affecting the required administrative costs of tribal elementary and secondary educational programs, using the formula set forth in subsection (c), and

"(B) conduct a study to determine—

"(i) a maximum base rate which ensures that the amount of the grants provided under this section will provide adequate (but not excessive) funding of the administrative costs of the smallest tribal elementary or secondary educational programs,

"(ii) a minimum base rate which ensures that the amount of the grants provided under this section will provide adequate (but not excessive) funding of the administrative costs of the largest tribal elementary or secondary educational programs, and

"(iii) a standard direct cost base which is the aggregate direct cost funding level for which the percentage determined under subsection (c) will—

"(I) be equal to the median between the maximum base rate and the minimum base rate, and

"(II) ensure that the amount of the grants provided under this section will provide adequate (but not excessive) funding of the administrative costs of tribal elementary or secondary educational programs closest to the size of the program.

"(2) The studies required under paragraph (1) shall—

"(A) be conducted in full consultation (in accordance with section 1131) with—

"(i) the tribes and tribal organizations that are affected by the application of the formula set forth in subsection (c), and

"(ii) all national and regional Indian organizations of which such tribes and tribal organizations are typically members;

"(B) be conducted onsite with a representative statistical sample of the tribal elementary or secondary educational programs under a contract entered into with a nationally reputable public accounting and business consulting firm;

"(C) take into account the availability of skilled labor, commodities, business and automatic data processing services, related Indian preference and Indian control of education requirements, and any other market factors found substantially to affect the administrative costs and efficiency of each such tribal elementary or secondary educational program studied in order to assure that all required administrative activities can reasonably be delivered in a cost effective manner for each such program, given an administrative cost allowance generated by the

values, percentages, or other factors found in the studies to be relevant in such formula;

"(D) identify, and quantify in terms of percentages of direct program costs, any general factors arising from geographic isolation, or numbers of programs administered, independent of program size factors used to compute a base administrative cost percentage in such formula; and

"(E) identify any other incremental cost factors substantially affecting the costs of required administrative cost functions at any of the tribal elementary or secondary educational programs studied and determine whether the factors are of general applicability to other such programs, and (if so) how the factors may effectively be incorporated into such formula.

"(3) In carrying out the studies required under this subsection, the Secretary shall obtain the input of, and afford an opportunity to participate to, the Inspector General of the Department of the Interior.

"(4) Determinations described in paragraph (2)(C) shall be based on what is pragmatically possible to do at each location studied, given prudent management practice, irrespective of whether required administrative services were actually or fully delivered at these sites, or other services were delivered instead, during the period of the study.

"(5) Upon completion of the studies conducted under paragraph (1), but in no case later than October 1, 1989, the Secretary shall submit to the Congress a report on the findings of the studies, together with determinations based upon such findings that would affect the definitions of terms used in the formula that is set forth in subsection (c).

"(6) The Secretary shall include in the Bureau's justification for each appropriations request for each fiscal year beginning after fiscal year 1989, a projection of the overall costs associated with the formula set forth in subsection (c) for all tribal elementary or secondary educational programs which the Secretary expects to be funded in the fiscal year for which the appropriations are sought.

"(7) For purposes of this subsection, the size of tribal elementary or secondary educational programs is determined by the aggregate direct cost program funding level for all Bureau funded programs which share common administrative cost functions.

"(g)(1) There are authorized to be appropriated for each fiscal year such sums as may be necessary to carry out this section.

"(2) If the total amount of funds necessary to provide grants to tribes and tribal organizations in the amounts determined under subsection (b) for a fiscal year exceeds the amount of funds appropriated to carry out this section for such fiscal year, the Secretary shall reduce the amount of each grant determined under subsection (b) for such fiscal year by an amount that bears the same relationship to such excess as the amount of such grant determined under subsection (b) bears to the total of all grants determined under subsection (b) for all tribes and tribal organizations for such fiscal year.

"(h)(1) Notwithstanding any other provision of this section, the amount of the grants provided under this section for fiscal year 1989 shall—

"(A) in lieu of being determined under subsection (b), be determined for each tribal elementary or secondary educational program on the same basis that indirect costs were determined for such programs for fiscal year 1988, and

"(B) be subject to the provisions of subsection (d).

"(2) Notwithstanding any other provision of this section, the amount of the grant provided under this section for fiscal year 1990 with respect to each tribal elementary and secondary educational program that was operated by a tribe or tribal organization in fiscal year 1989 shall be equal to—

"(A) if the amount of the grant determined under subsection (b) for fiscal year 1990 with respect to such program exceeds the amount received by the tribe or tribal organization with respect to such program for administrative costs for fiscal year 1988 (or fiscal year 1989 if such program was not operated by the tribe or tribal organization during fiscal year 1988), the sum of—

"(i) such amount received, plus

"(ii) 1/3 of the excess of—

"(I) such amount determined under subsection (b), over

"(II) such amount received, or

"(B) if such amount received exceeds such amount determined under subsection (b), the excess of—

"(i) such amount received, over

"(ii) an amount equal to 1/3 of the excess of—

"(I) such amount received, over

"(II) such amount determined under subsection (b).

"(3) Notwithstanding any other provision of this section, the amount of the grants provided under this section for fiscal year 1991 with respect to each tribal elementary and secondary educational program that was operated by a tribe or tribal organization in fiscal year 1989 shall be equal to—

"(A) if the amount of the grant determined under subsection (b) for fiscal year 1991 with respect to such program exceeds the amount received by the tribe or tribal organization with respect to such program for administrative costs for fiscal year 1990, the sum of—

"(i) such amount received, plus

"(ii) 1/2 of the excess of—

"(I) such amount determined under subsection (b), over

"(II) such amount received, or

"(B) if such amount received exceeds such amount determined under subsection (b), the excess of—

"(i) such amount received, over

"(ii) an amount equal to 1/2 of the excess of—

"(I) such amount received over,

"(II) such amount determined under subsection (b).

"(i) The provisions of this section shall also apply to those schools operating under the Tribally Controlled Schools Act of 1988.

"SEC. 1129. DIVISION OF BUDGET ANALYSIS.

"(a) Within 24 months of the date of enactment of the Improving America's Schools Act of 1994, the Secretary shall establish within the Office a Division of Budget Analysis (hereinafter referred to as

the 'Division'). Such Division shall be under the direct supervision and control of the Director of the Office.

"(b) The Division shall have the capacity to conduct such studies, surveys, or other activities as are necessary to gather demographic information on Bureau-funded schools (current and future) and project the amount necessary to provide Indian students in such schools the educational program set forth in this part.

"(c) The Division shall prepare projections on such amounts, along with such other information as the Director of the Office shall require, for each fiscal year beginning after October 1, 1996. The Director of the Office and the Assistant Secretary for Indian Affairs shall use such reports when preparing their annual budget submissions.

"SEC. 1130. UNIFORM DIRECT FUNDING AND SUPPORT.

"(a)(1) Within six months after the date of enactment of the Improving America's Schools Act of 1994, the Secretary shall establish, by regulation adopted in accordance with section 1139, a system for the direct funding and support of all Bureau funded schools. Such system shall allot funds, in accordance with section 1127. All amounts appropriated for distribution under this section may be made available under paragraph (2).

"(2)(A) For the purpose of affording adequate notice of funding available pursuant to the allotments made by section 1127, amounts appropriated in an appropriation Act for any fiscal year shall become available for obligation by the affected schools on July 1 of the fiscal year in which such amounts are appropriated without further action by the Secretary, and shall remain available for obligation through the succeeding fiscal year.

"(B) The Secretary shall, on the basis of the amount appropriated in accordance with this paragraph—

"(i) publish, on July 1 of the fiscal year for which the funds are appropriated, allotments to each affected school made under section 1127 of 85 percent of such appropriation; and

"(ii) publish, not later than September 30 of such fiscal year, the allotments to be made under section 1127 of the remaining 15 percent of such appropriation, adjusted to reflect actual student attendance.

"(3)(A) Notwithstanding any law or regulation, the supervisor of a Bureau school may expend an aggregate of not more than $35,000 of the amount allotted the school under section 1127 to acquire supplies and equipment for the school without competitive bidding if—

"(i) the cost for any single item purchased does not exceed $10,000;

"(ii) the school board approves the procurement;

"(iii) the supervisor certifies that the cost is fair and reasonable;

"(iv) the documents relating to the procurement executed by the supervisor or other school staff cite this paragraph as authority for the procurement; and

"(v) the transaction is documented in a journal maintained at the school clearly identifying when the transaction occurred, what was acquired and from whom, the prices paid, the quantities acquired, and any other information the supervisor or school board considers relevant.

"(B) The Director shall be responsible for determining the application of this paragraph, including the authorization of specific individuals to carry out this paragraph, and shall be responsible for the provision of guidelines on the use of this paragraph and adequate training on such guidelines.

"(4) If a sequestration order issued under the Balanced Budget and Emergency Deficit Control Act of 1985 reduces the amount of funds available for allotment under section 1127 for any fiscal year by more than 7 percent of the amount of funds available for allotment under such section during the preceding fiscal year—

"(A) the Secretary, notwithstanding any other law, may use—

"(i) funds appropriated for the operation of any Bureau school that is closed or consolidated, and

"(ii) funds appropriated for any program that has been curtailed at any Bureau school,

to fund allotments made under section 1127, and

"(B) the Secretary may waive the application of the provisions of section 1121(h) with respect to the closure or consolidation of a school, or the curtailment of a program at a school, during such fiscal year if the funds described in clauses (i) and (ii) of subparagraph (A) with respect to such school are used to fund allotments made under section 1127 for such fiscal year.

"(b) In the case of all Bureau schools, allotted funds shall be expended on the basis of local financial plans which shall be prepared by the local school supervisor in active consultation with the local school board for each school, and the local school board for each school shall have the authority to ratify, reject, or amend such financial plan, and expenditures thereunder, and, on its own determination or in response to the supervisor of the school, to revise such financial plan to meet needs not foreseen at the time of preparation of the financial plan. The supervisor shall provide the appropriate union representative of the education employees with copies of proposed draft financial plans and all amendments or modifications thereto, at the same time such copies are submitted to the local school board. The supervisor of the school may appeal any such action of the local school board to the appropriate education line officer of the Bureau agency by filing a written statement describing the action and the reasons the supervisor believes such action should be overturned. A copy of such statement shall be submitted to the local school board and such board shall be afforded an opportunity to respond, in writing, to such appeal. After reviewing such written appeal and response, the appropriate education line officer may, for good cause, overturn the action of the local school board. The appropriate line education officer shall transmit the determination of such appeal in the form of a written opinion to such board and to such supervisor identifying the reasons for overturning such action.

"(c) Funds for self-determination grants under section 103(a)(2) of the Indian Self-Determination and Education Assistance Act shall not be used for providing technical assistance and training in the field of education by the Bureau unless such services are provided in accordance with a plan, agreed to by the tribe or tribes affected and the Bureau, under which control of education programs is intended to be transferred to such tribe or tribes within a specific

period of time negotiated under such agreement. The Secretary may approve applications for funding tribal divisions of education and the development of tribal codes of education from funds appropriated pursuant to section 104(a) of such Act.

"(d) In the exercise of its authority under this section, a local school board may request technical assistance and training from the Secretary, and the Secretary shall, to the greatest extent possible, provide such services, and make appropriate provisions in the budget of the Office for such services.

"(e)(1) A financial plan under subsection (b) for a school may include, at the discretion of the local administrator and the school board of such school, a provision for a summer program of academic and support services for students of the school. Any such program may include activities related to the prevention of alcohol and substance abuse. The Assistant Secretary of Indian Affairs shall provide for the utilization of any such school facility during any summer in which such utilization is requested.

"(2) Notwithstanding any other provision of law, funds authorized under the Act of April 16, 1934 (25 U.S.C. 452 et seq.) and this Act may be used to augment the services provided in each summer program at the option, and under the control, of the tribe or Indian controlled school receiving such funds.

"(3) The Assistant Secretary of Indian Affairs, acting through the Director of the Office, shall provide technical assistance and coordination for any program described in paragraph (1) and shall, to the extent possible, encourage the coordination of such programs with any other summer programs that might benefit Indian youth, regardless of the funding source or administrative entity of any such program.

"(f)(1) From funds allotted to a Bureau school under section 1127, the Secretary shall, if specifically requested by the tribal governing body (within the meaning of section 1121(k)), implement any cooperative agreement entered into between the tribe, the Bureau school board, and the local public school district which meets the requirements of paragraph (2) and involves the school. The tribe, the Bureau school board, and the local public school district shall determine the terms of the agreement. Such agreement may encompass coordination of all or any part of the following:

> *"(A) Academic program and curriculum, unless the Bureau school is currently accredited by a State or regional accrediting entity and would not continue to be so accredited.*
>
> *"(B) Support services, including procurement and facilities maintenance.*
>
> *"(C) Transportation.*

"(2) Each agreement entered into pursuant to the authority provided in paragraph (1) shall confer a benefit upon the Bureau school commensurate with the burden assumed, though this requirement shall not be construed so as to require equal expenditures or an exchange of similar services.

"(g) Notwithstanding any other provision of law, where there is agreement on action between the superintendent and the school board of a Bureau funded school, the product or result of a project conducted in whole or in major part by a student may be given to that student upon the completion of such project.

"(h) Notwithstanding any other provision of law, funds received by a Bureau funded school under this title shall not be considered Federal funds for purposes of meeting a matching funds requirement in any Federal program.

"SEC. 1131. POLICY FOR INDIAN CONTROL OF INDIAN EDUCATION.

"(a) It shall be the policy of the Secretary and the Bureau, in carrying out the functions of the Bureau, to facilitate Indian control of Indian affairs in all matters relating to education.

"(b)(1) All actions under this Act shall be done with active consultation with tribes.

"(2) The consultation required under paragraph (1) means a process involving the open discussion and joint deliberation of all options with respect to potential issues or changes between the Bureau and all interested parties. During such discussions and joint deliberations, interested parties (including tribes and school officials) shall be given an opportunity to present issues including proposals regarding changes in current practices or programs which will be considered for future action by the Bureau. All interested parties shall be given an opportunity to participate and discuss the options presented or to present other alternatives, with the views and concerns of the interested parties given effect unless the Secretary determines, from information educed or presented by the interested parties during 1 or more of the discussions and deliberations, that there is a substantial reason for another course of action. The Secretary shall submit to any Member of Congress, within 18 days of the receipt of a written request by such Member, a written explanation of any decision made by the Secretary which is not consistent with the views of the interested parties.

"SEC. 1132. EDUCATION PERSONNEL.

"(a)(1) Chapter 51, subchapter III of chapter 53, and chapter 63 of title 5, United States Code, relating to classification, pay, and leave, respectively, and the sections of such title relating to the appointment, promotion, and removal of civil service employees, shall not apply to educators or to education positions (as defined in subsection (n)).

"(2) Paragraph (1) shall take effect 1 year after the date of enactment of this Act.

"(b) Not later than the effective date of subsection (a)(2), the Secretary shall prescribe regulations to carry out this section. Such regulations shall govern—

"(1) the establishment of education positions,

"(2) the establishment of qualifications for educators,

"(3) the fixing of basic compensation for educators and education positions,

"(4) the appointment of educators,

"(5) the discharge of educators,

"(6) the entitlement of educators to compensation,

"(7) the payment of compensation to educators,

"(8) the conditions of employment of educators,

"(9) the length of the school year applicable to education positions described in subsection (n)(1)(A),

"(10) the leave system for educators, and

"(11) such other matters as may be appropriate.

"(c)(1) In prescribing regulations to govern the qualifications of educators, the Secretary shall require—

"(A)(i) that lists of qualified and interviewed applicants for education positions be maintained in each agency and area office of the Bureau from among individuals who have applied at the agency or area level for an education position or who have applied at the national level and have indicated in such application an interest in working in certain areas or agencies; and

"(ii) that a list of qualified and interviewed applicants for education positions be maintained in the Office from among individuals who have applied at the national level for an education position and who have expressed interest in working in an education position anywhere in the United States;

"(B) that a local school board shall have the authority to waive on a case-by-case basis, any formal education or degree qualifications established by regulation pursuant to subsection (b)(2), in order for a tribal member to be hired in an education position to teach courses on tribal culture and language and that subject to subsection (d)(2)(A), a determination by a school board that such a person be hired shall be followed by the supervisor; and

"(C) that it shall not be a prerequisite to the employment of an individual in an education position at the local level that such individual's name appear on the national list maintained pursuant to paragraph (1)(A)(ii) or that such individual has applied at the national level for an education position.

"(2) The Secretary may authorize the temporary employment in an education position of an individual who has not met the certification standards established pursuant to regulations, if the Secretary determines that failure to do so would result in that position remaining vacant.

"(d)(1) In prescribing regulations to govern the appointment of educators, the Secretary shall require—

"(A)(i) that educators employed in a school (other than the supervisor of the school) shall be hired by the supervisor of the school unless there are no qualified applicants available, in which case the vacant position shall be filed at the national level from the list maintained pursuant to subsection (c)(1)(A)(ii);

"(ii) each school supervisor shall be hired by the education line officer of the agency office of the Bureau in which the school is located, and

"(iii) educators employed in an agency office of the Bureau shall be hired by the superintendent for education of the agency office;

"(B) that before an individual is employed in an education position in a school by the supervisor of a school (or, with respect to the position of supervisor, by the appropriate agency education line officer), the local school board for the school shall be consulted, and that subject to paragraph (2), a determination by the school board that such individual should or should not be so employed shall be followed by the supervisor (or with respect to the position of supervisor, by the agency superintendent for education); and

"(C) that before an individual may be employed in an education position at the agency level, the appropriate agency school board shall be consulted, and that, subject to paragraph (3), a determination by such school board that such individual should or should not be employed shall be followed by the agency superintendent for education.

"(2)(A) The supervisor of a school may appeal to the appropriate agency education line officer any determination by the local school board for the school that an individual be employed, or not be employed, in an education position in the school (other than that of supervisor) by filing a written statement describing the determination and the reasons the supervisor believes such determination should be overturned. A copy of such statement shall be submitted to the local school board and such board shall be afforded an opportunity to respond, in writing, to such appeal. After reviewing such written appeal and response, the education line officer may, for good cause, overturn the determination of the local school board. The education line officer shall transmit the determination of such appeal in the form of a written opinion to such board and to such supervisor identifying the reasons for overturning such determination.

"(B) The education line officer of an agency office of the Bureau may appeal to the Director of the Office any determination by the local school board for the school that an individual be employed, or not be employed, as the supervisor of a school by filing a written statement describing the determination and the reasons the supervisor believes such determination should be overturned. A copy of such statement shall be submitted to the local school board and such board shall be afforded an opportunity to respond, in writing, to such appeal. After reviewing such written appeal and response, the Director may, for good cause, overturn the determination of the local school board. The Director shall transmit the determination of such appeal in the form of a written opinion to such board and to such education line officer identifying the reasons for overturning such determination.

"(3) The education line officer of an agency office of the Bureau may appeal to the Director of the Office any determination by the agency school board that an individual be employed, or not be employed, in an education position in such agency office by filing a written statement describing the determination and the reasons the supervisor believes such determination should be overturned. A copy of such statement shall be submitted to the agency school board and such board shall be afforded an opportunity to respond, in writing, to such appeal. After reviewing such written appeal and response, the Director may, for good cause, overturn the determination of the agency school board. The Director shall transmit the determination of such appeal in the form of a written opinion to such board and to such education line officer identifying the reasons for overturning such determination.

"(4) Any individual who applies at the local level for an education position shall state on such individual's application whether or not such individual has applied at the national level for an education position in the Bureau. If such individual is employed at the local level, such individual's name shall immediately be forwarded to the Secretary, who shall, as soon as possible but in no event in

more than 30 days, ascertain the accuracy of the statement made by such individual pursuant to the first sentence of this paragraph. If the individual's statement is found to have been false, such individual, at the Secretary's discretion, may be disciplined or discharged. If the individual had applied at the national level for an education position in the Bureau, the appointment of such individual at the local level shall be conditional for a period of 90 days, during which period the Secretary may appoint a more qualified individual (as determined by the Secretary) from the list maintained at the national level pursuant to subsection (c)(1)(A)(ii) to the position to which such individual was appointed.

"(5) Except as expressly provided, nothing in this section shall be construed as conferring upon local school boards, authority over, or control of, educators.

"(e)(1) In prescribing regulations to govern the discharge and conditions of employment of educators, the Secretary shall require—

"(A) that procedures be established for the rapid and equitable resolution of grievances of educators;

"(B) that no educator may be discharged without notice of the reasons therefore and opportunity for a hearing under procedures that comport with the requirements of due process; and

"(C) educators employed in Bureau schools shall be notified 60 days prior to the end of the school year whether their employment contract will be renewed for the following year.

"(2) The supervisor of a Bureau school may discharge (subject to procedures established under paragraph (1)(B) for cause (as determined under regulations prescribed by the Secretary) any educator employed in such school. Upon giving notice of proposed discharge to an educator, the supervisor involved shall immediately notify the local school board for the school of such action. A determination by the local school board that such educator shall not be discharged shall be followed by the supervisor. The supervisor shall have the right to appeal such action to the education line officer of the appropriate agency office of the Bureau. Upon such an appeal, the agency education line officer may, for good cause and in writing to the local school board, overturn the determination of the local school board with respect to the employment of such individual.

"(3) Each local school board for a Bureau school shall have the right—

"(A) to recommend to the supervisor of such school that an educator employed in the school be discharged; and

"(B) to recommend to the education line officer of the appropriate agency office of the Bureau and to the Director of the Office, that the supervisor of the school be discharged.

"(f)(1) Notwithstanding any provision of the Indian preference laws, such laws shall not apply in the case of any personnel action within the purview of this section respecting an applicant or employee not entitled to Indian preference if each tribal organization concerned grants, in writing, a waiver of the application of such laws with respect to such personnel action, if such a waiver is in writing deemed to be a necessity by the tribal organization, except that this paragraph shall in no way relieve the Bureau of the Bureau's responsibility to issue timely and adequate announcements

and advertisements concerning any such personnel action if such action is intended to fill a vacancy (no matter how such vacancy is created).

"(2) For purposes of this subsection, the term 'tribal organization' means—

"(A) the recognized governing body of any Indian tribe, band, nation, pueblo, or other organized community, including a Native village (as defined in section 3(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(c); 85 Stat. 688)); or

"(B) in connection with any personnel action referred to in this subsection, any local school board as defined in section 1146, and which has been delegated by such governing body the authority to grant a waiver under such subsection with respect to such personnel action.

"(3) The term 'Indian preference laws' means section 12 of the Act of June 18, 1934 (25 U.S.C. 472; 48 Stat. 986) or any other provision of law granting a preference to Indians in promotions and other personnel actions, except that such term shall not be considered to include section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450e(b)).

"(g) Subject to the authority of the Office of Personnel Management to determine finally the applicability of chapter 51 of title 5, United States Code, to specific positions and employees in the executive branch, the Secretary shall determine in accordance with subsection (a)(1) the applicability or inapplicability of such chapter to positions and employees in the Bureau.

"(h)(1)(A) Except as otherwise provided in this section, the Secretary shall fix the basic compensation or annual salary rate for educators and education positions at rates comparable to the rates in effect under the General Schedule for individuals with comparable qualifications, and holding comparable positions, to whom chapter 51 of title 5, United States Code, is applicable or on the basis of the Federal Wage System schedule in effect for the locality.

"(B) By not later than October 28, 1988, the Secretary shall establish, for contracts for the 1991–1992 academic year, and thereafter, the rates of basic compensation, or annual salary rates, for the positions of teachers and counselors (including dormitory counselors and home-living counselors) at the rates of basic compensation applicable (on the date of enactment of such Amendments and thereafter) to comparable positions in overseas schools under the Defense Department Overseas Teachers Pay and Personnel Practices Act, unless the Secretary establishes such rates within such 6-month period through collective bargaining with the appropriate union representative of the education employees that is recognized by the Bureau.

"(C) By not later than October 28, 1988, the Secretary shall establish the rates of basic compensation or annual salary rates for the positions of teachers and counselors (including dormitory and home-living counselors)—

"(i) for contracts for the 1989–1990 academic year, at rates which reflect 1/3 of the changes in the rates applicable to such positions on April 28, 1988, that must be made to conform the rates to the rates established under subparagraph (B) for such positions for contracts for the 1991–1992 academic year, and

"(ii) for contracts for the 1990–1991 academic year, at rates which reflect 2/3 of such changes.

"(D) The establishment of rates of basic compensation and annual salary rates by the Secretary under subparagraphs (B) and (C) shall not preclude the use of regulations and procedures used by the Bureau before the enactment of the Indian Education Amendments of 1988 in making determinations regarding promotions and advancements through levels of pay that are based on the merit, education, experience, or tenure of the educator.

"(E)(i) Except as provided in clause (ii), the establishment of rates of basic compensation and annual salary rates by the Secretary under subparagraphs (B) and (C) shall not affect the continued employment or compensation of an educator who was employed in an education position on October 31, 1979, and who did not make the election under paragraph (2) of subsection (o).

"(ii) Any individual described in clause (i) may, during the 5-year period beginning on the date on which the Secretary establishes rates of basic compensation and annual salary rates under subparagraph (B), make an irrevocable election to have the basic compensation rate or annual salary rate of such individual determined in accordance with this paragraph.

"(iii) If an individual makes the election described in clause (ii), such election shall not affect the application to the individual of the same retirement system and leave system that applies to the individual during the fiscal year preceding the fiscal year in which such election is made, except that the individual must use leave accrued during a contract period by the end of that contract period.

"(F) The President shall include with the budget submitted under section 1105 of title 31, United States Code, for each of the fiscal years 1990, 1991, and 1992 a written statement by the Secretary which specifies—

"(i) the amount of funds the Secretary needs to pay basic compensation and the annual salaries of educators for such fiscal year, and

"(ii) the amount of funds the Secretary estimates would be needed to pay basic compensation and the annual salaries of educators for such fiscal year if the amendments made to this paragraph by the Indian Education Amendments of 1988 had not been enacted.

"(2) Each educator employed in an education position in Alaska shall be paid a cost-of-living allowance equal to 25 percent of the rate of basic compensation to which such educator is entitled.

"(3)(A) The Secretary may pay a postdifferential not to exceed 25 percent of the rate of basic compensation, on the basis of conditions of environment or work which warrant additional pay as a recruitment and retention incentive.

"(B)(i) Upon the request of the supervisor and the local school board of a Bureau school, the Secretary shall grant the supervisor of the school authorization to provide 1 or more post differentials under subparagraph (A) unless the Secretary determines for clear and convincing reasons (and advises the board in writing of those reasons) that certain of the requested post differentials should be

disapproved or decreased because there is no disparity of compensation for the involved employees or positions in the Bureau school, as compared with the nearest public school, that is either—

"(I) at least 5 percent, or

"(II) less than 5 percent and affects the recruitment or retention of employees at the school.

"(ii) The request under clause (i) shall be deemed granted as requested at the end of the 60th day after the request is received in the Central Office of the Bureau unless before that time the request is approved, approved with modification, or disapproved by the Secretary.

"(iii) The Secretary or the supervisor of a Bureau school may discontinue or decrease a post differential authorized by reason of this subparagraph at the beginning of a school year after either—

"(I) the local school board requests that such differential be discontinued or decreased, or

"(II) the Secretary or the supervisor determines for clear and convincing reasons (and advises the board in writing of those reasons) that there is no disparity of compensation that would affect the recruitment or retention of employees at the school after the differential is discontinued or decreased.

"(iv) On or before February 1 of each year, the Secretary shall submit to Congress a report describing the requests and grants of authority under this subparagraph during the previous fiscal year and listing the positions contracted under those grants of authority.

"(i) Any individual—

"(1) who on the date of enactment of this Act is holding a position which is determined under subsection (f) to be an education position and who elects under subsection (o)(2) to be covered under the provisions of this section, or

"(2) who is an employee of the Federal Government or the municipal government of the District of Columbia and is transferred, promoted, or reappointed, without break in service, from a position under a different leave system to an education position,

shall be credited for the purpose of the leave system provided under regulations prescribed pursuant to subsection (b)(10), with the annual and sick leave to such individual's credit immediately before the effective date of such election, transfer, promotion, or reappointment.

"(j) Upon termination of employment with the Bureau, any annual leave remaining to the credit of an individual within the purview of this section shall be liquidated in accordance with sections 5551(a) and 6306 of title 5, United States Code, except that leave earned or accrued under regulations prescribed pursuant to subsection (b)(10) shall not be so liquidated.

"(k) In the case of any educator who is transferred, promoted, or reappointed, without break in service, to a position in the Federal Government under a different leave system, any remaining leave to the credit of such person earned or credited under the regulations prescribed pursuant to subsection (b)(10) shall be transferred to such person's credit in the employing agency on an adjusted basis in accordance with regulations which shall be prescribed by the Office of Personnel Management.

"(l) An educator who voluntarily terminates employment with the Bureau before the expiration of the existing employment contract between such educator and the Bureau shall not be eligible to be employed in another education position in the Bureau during the remainder of the term of such contract.

"(m) In the case of any educator employed in an education position described in subsection (n)(1)(A) who—

"(1) is employed at the close of a school year,

"(2) agrees in writing to serve in such a position for the next school year, and

"(3) is employed in another position during the recess period immediately preceding such next school year, or during such recess period receives additional compensation referred to in section 5533 of title 5, United States Code, relating to dual compensation, shall not apply to such educator by reason of any such employment during a recess period for any such receipt of additional compensation.

"(n) For the purpose of this section—

"(1) The term 'education position' means a position in the Bureau the duties and responsibilities of which—

"(A) are performed on a school-year basis principally in a Bureau school and involve—

"(i) classroom or other instruction or the supervision or direction of classroom or other instruction;

"(ii) any activity (other than teaching) which requires academic credits in educational theory and practice equal to the academic credits in educational theory and practice required for a bachelor's degree in education from an accredited institution of higher education;

"(iii) any activity in or related to the field of education notwithstanding that academic credits in educational theory and practice are not a formal requirement for the conduct of such activity; or

"(iv) support services at, or associated with, the site of the school; or

"(B) are performed at the agency level of the Bureau and involve the implementation of education-related programs other than the position for agency superintendent for education.

"(2) The term 'educator' means an individual whose services are required, or who is employed, in an education position.

"(o)(1) Subsections (a) through (n) of this section apply to an educator hired after November 1, 1979 (and to an educator who elected application under paragraph (2)) and to the position in which such individual is employed. Subject to paragraph (2), the enactment of this Act shall not affect the continued employment of an individual employed on October 31, 1979 in an education position, or such individual's right to receive the compensation attached to such position.

"(2) Any individual employed in an education position on October 31, 1979, may, not later than November 1, 1983, make an irrevocable election to be covered under the provisions of subsection (a) through (n) of this section.

"(p)(1) An educator who was employed in an education position on October 31, 1979, who was eligible to make an election under paragraph (2) of subsection (o) at that time, and who did not make the election under paragraph (2) of subsection (o), may not be placed on furlough (within the meaning of section 7511(a)(5) of title 5, United States Code) without the consent of such educator for an aggregate of more than 4 weeks within the same calendar year, unless—

"(A) the supervisor, with the approval of the local school board (or of the education line officer upon appeal under paragraph (2)), of the Bureau school at which such educator provides services determines that a longer period of furlough is necessary due to an insufficient amount of funds available for personnel compensation at such school, as determined under the financial plan process as determined under section 1130(b) of this Act, and

"(B) all educators (other than principals and clerical employees) providing services at such Bureau school are placed on furloughs of equal length, except that the supervisor, with the approval of the local school board (or of the agency education line officer upon appeal under paragraph (2)), may continue 1 or more educators in pay status if—

"(i) such educators are needed to operate summer programs, attend summer training sessions, or participate in special activities including curriculum development committees; and

"(ii) such educators are selected based upon such educator's qualifications, after public notice of the minimum qualifications reasonably necessary and without discrimination as to supervisory, nonsupervisory, or other status of the educators who apply.

"(2) The supervisor of a Bureau school may appeal to the appropriate agency education line officer any refusal by the local school board to approve any determination of the supervisor that is described in paragraph (1)(A) by filing a written statement describing the determination and the reasons the supervisor believes such determination should be approved. A copy of such statement shall be submitted to the local school board and such board shall be afforded an opportunity to respond, in writing, to such appeal. After reviewing such written appeal and response, the education line officer may, for good cause, approve the determination of the supervisor. The educational line officer shall transmit the determination of such appeal in the form of a written opinion to such local school board and to the supervisor identifying the reasons for approving such determination.

"SEC. 1133. MANAGEMENT INFORMATION SYSTEM.

"The Secretary shall establish within the Office, within 1 year after the date of the enactment of the Indian Education Amendments of 1984, a computerized management information system, which shall provide information to the Office. Such information shall include—

"(1) student enrollment;

"(2) curriculum;

"(3) staff;

"(4) facilities;

"(5) community demographics;

"(6) student assessment information; and

"(7) information on the administrative and program costs attributable to each Bureau program, divided into discreet elements.

"SEC. 1134. BUREAU EDUCATION POLICIES.

"Within 180 days of the date of enactment of this Act, the Secretary shall develop, publish in the Federal Register, and submit to all agency and area offices of the Bureau, all tribal governments, and the appropriate committees of the Congress, a draft set of education policies, procedures, and practices for education-related action of the Bureau. The Secretary shall, within 1 year of the date of enactment of this Act, provide that such uniform policies, procedures, and practices shall be finalized and promulgated. Thereafter, such policies, procedures, and practices and their periodic revisions, shall serve as the foundation for future Bureau actions in education.

"SEC. 1135. UNIFORM EDUCATION PROCEDURES AND PRACTICES.

"The Secretary shall cause the various divisions of the Bureau to formulate uniform procedures and practices with respect to such concerns of those divisions as relate to education, and shall report such practices and procedures to the Congress.

"SEC. 1136. RECRUITMENT OF INDIAN EDUCATORS.

"The Secretary shall institute a policy for the recruitment of qualified Indian educators and a detailed plan to promote employees from within the Bureau. Such plan shall include opportunities for acquiring work experience prior to actual work assignment.

"SEC. 1137. ANNUAL REPORT.

"(a) The Secretary shall submit to each appropriate committee of the Congress a detailed annual report on the state of education within the Bureau and any problems encountered in the field of education during the year. Such report shall contain suggestions for improving the Bureau educational system and increasing local Indian control of such system. Such report shall also include the current status of tribally controlled community colleges. The annual budget submission for the Bureau's education programs shall, among other things, include—

"(1) information on the funds provided previously private schools under section 208 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458d) and recommendations with respect to the future use of such funds;

"(2) the needs and costs of operation and maintenance of tribally controlled community colleges eligible for assistance under the Tribally Controlled Community College Assistance Act of 1978 (25 U.S.C. 1801 et seq.) and recommendations with respect to meeting such needs and costs; and

"(3) the plans required by section 1121(g) and 1122(c), and 1125(b), of this Act.

"(b) The Inspector General of the Department of the Interior shall establish a system to ensure that financial and compliance audits are conducted of each Bureau school at least once in every three years. Audits of Bureau schools shall be based upon the extent to

which such school has complied with its local financial plan under section 1129.

"SEC. 1138. RIGHTS OF INDIAN STUDENTS.

"Within six months of the date of enactment of this Act, the Secretary shall prescribe such rules and regulations as are necessary to ensure the constitutional and civil rights of Indian students attending Bureau schools, including such students' right to privacy under the laws of the United States, such students' right to freedom of religion and expression and such students' right to due process in connection with disciplinary actions, suspensions, and expulsions.

"SEC. 1139. REGULATIONS.

"Regulations required to be adopted under sections 1126 through 1138 and any revisions of the standards developed under section 1121 or 1122 shall be deemed rules of general applicability prescribed for the administration of an applicable program for the purposes of section 437 of the General Education Provisions Act and shall be promulgated, submitted for congressional review, and take effect in accordance with the provisions of such section. Such regulations shall contain, immediately following each substantive provision of such regulations, citations to the particular section or sections of statutory law or other legal authority upon which such provision is based.

"SEC. 1140. VOLUNTARY SERVICES.

"Notwithstanding section 1342 of title 31, United States Code, the Secretary may, subject to the approval of the local school board concerned, accept voluntary services on behalf of Bureau schools. Nothing in this title shall be construed to require Federal employees to work without compensation or to allow the use of volunteer services to displace or replace Federal employees. An individual providing volunteer services under this section is a Federal employee only for purposes of chapter 81 of title 5, United States Code, and chapter 171 of title 28, United States Code.

"SEC. 1141. PRORATION OF PAY.

"(a) Notwithstanding any other provision of law, including laws relating to dual compensation, the Secretary, at the election of the employee, shall prorate the salary of an employee employed in an education position for the academic school year over the entire 12-month period. Each educator employed for the academic school year shall annually elect to be paid on a 12-month basis or for those months while school is in session. No educator shall suffer a loss of pay or benefits, including benefits under unemployment or other Federal or federally assisted programs, because of such election.

"(b) During the course of such year the employee may change election once.

"(c) That portion of the employee's pay which would be paid between academic school years may be paid in lump sum at the election of the employee.

"(d) For the purposes of this section the terms 'educator' and 'education position' have the meaning contained in paragraphs (1) and (2) of section 1132(n). This section applies to those individuals

employed under the provisions of section 1132 of this title or title 5, United States Code.

"SEC. 1142. EXTRACURRICULAR ACTIVITIES.

"(a) Notwithstanding any other provision of law, the Secretary may provide, for each Bureau area, a stipend in lieu of overtime premium pay or compensatory time off. Any employee of the Bureau who performs additional activities to provide services to students or otherwise support the school's academic and social programs may elect to be compensated for all such work on the basis of the stipend. Such stipend shall be paid as a supplement to the employee's base pay.

"(b) If an employee elects not to be compensated through the stipend established by this section, the appropriate provisions of title 5, United States Code, shall apply.

"(c) This section applies to all Bureau employees, whether employed under section 1132 of this title or title 5, United States Code.

"SEC. 1143. EARLY CHILDHOOD DEVELOPMENT PROGRAM.

"(a) The Secretary shall provide grants to tribes, tribal organizations, and consortia of tribes and tribal organizations to fund early childhood development programs that are operated by such tribes, organizations, or consortia.

"(b)(1) The total amount of the grants provided under subsection (a) with respect to each tribe, tribal organization, or consortium of tribes or tribal organizations for each fiscal year shall be equal to the amount which bears the same relationship to the total amount appropriated under the authority of subsection (f) for such fiscal year (less amounts provided under subsection (e)) as—

"(A) the total number of children under 6 years of age who are members of—

"(i) such tribe,

"(ii) the tribe that authorized such tribal organization, or

"(iii) any tribe that—

"(I) is a member of such consortium, or

"(II) authorizes any tribal organization that is a member of such consortium, bears to

"(B) the total number of all children under 6 years of age who are members of any tribe that—

"(i) is eligible to receive funds under subsection (a),

"(ii) is a member of a consortium that is eligible to receive such funds, or

"(iii) authorizes a tribal organization that is eligible to receive such funds.

"(2) No grant may be provided under subsection (a)—

"(A) to any tribe that has less than 500 members,

"(B) to any tribal organization which is authorized—

"(i) by only 1 tribe that has less than 500 members, or

"(ii) by 1 or more tribes that have a combined total membership of less than 500 members, or

"(C) to any consortium composed of tribes, or tribal organizations authorized by tribes, that have a combined total tribal membership of less than 500 members.

"(c)(1) A grant may be provided under subsection (a) to a tribe, tribal organization, or consortia of tribes and tribal organizations only if the tribe, organization or consortia submits to the Secretary an application for the grant at such time and in such form as the Secretary shall prescribe.

"(2) Applications submitted under paragraph (1) shall set forth the early childhood development program that the applicant desires to operate.

"(d) The early childhood development programs that are funded by grants provided under subsection (a)—

"(1) shall coordinate existing programs and may provide services that meet identified needs of parents and children under 6 years of age which are not being met by existing programs, including—

"(A) prenatal care,
"(B) nutrition education,
"(C) health education and screening,
"(D) educational testing, and
"(E) other educational services,

"(2) may include instruction in the language, art, and culture of the tribe, and

"(3) shall provide for periodic assessment of the program.

"(e) The Secretary shall, out of funds appropriated under the authority of subsection (f), include in the grants provided under subsection (a) amounts for administrative costs incurred by the tribe or tribal organization in establishing and maintaining the early childhood development program.

"(f) For the purpose of carrying out the provisions of this section, there are authorized to be appropriated $10,000,000 for fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996, 1997, 1998, and 1999.

"SEC. 1144. TRIBAL DEPARTMENTS OF EDUCATION.

"(a) Subject to the availability of appropriations, the Secretary shall provide grants and technical assistance to tribes for the development and operation of tribal departments of education for the purpose of planning and coordinating all educational programs of the tribe.

"(b) Grants provided under this section shall—

"(1) be based on applications from the governing body of the tribe,

"(2) reflect factors such as geographic and population diversity,

"(3) facilitate tribal control in all matters relating to the education of Indian children on Indian reservations and on former Indian reservations in Oklahoma,

"(4) provide for the development of coordinated educational programs on Indian reservations (including all preschool, elementary, secondary, and higher or vocational educational programs funded by tribal, Federal, or other sources) by encouraging tribal administrative support of all Bureau funded educational programs as well as encouraging tribal cooperation and coordination with all educational programs receiving financial support from State agencies, other Federal agencies, or private entities,

"(5) provide for the development and enforcement of tribal educational codes, including tribal educational policies and tribal standards applicable to curriculum, personnel, students, facilities, and support programs, and

"(6) otherwise comply with regulations for grants under section 103(a) of the Indian Self-Determination and Educational Assistance Act (25 U.S.C. 450h) that are in effect on the date application for such grants are made.

"(c)(1) In approving and funding applications for grants under this section, the Secretary shall give priority to any application that—

"(A) includes assurances from the majority of Bureau funded schools located within the boundaries of the reservation of the applicant that the tribal department of education to be funded under this section will provide coordinating services and technical assistance to all of such schools, including the submission to each applicable agency of a unified application for funding for all of such schools which provides that—

"(i) no administrative costs other than those attributable to the individual programs of such schools will be associated with the unified application, and

"(ii) the distribution of all funds received under the unified application will be equal to the amount of funds provided by the applicable agency to which each of such schools is entitled under law,

"(B) includes assurances from the tribal governing body that the tribal department of education funded under this section will administer all contracts or grants (except those covered by the other provisions of this title and the Tribally Controlled Community College Assistance Act of 1978) for education programs administered by the tribe and will coordinate all of the programs to the greatest extent possible,

"(C) includes assurances for the monitoring and auditing by or through the tribal department of education of all education programs for which funds are provided by contract or grant to ensure that the programs meet the requirements of law, and

"(D) provides a plan and schedule for—

"(i) the assumption over the term of the grant by the tribal department of education of all assets and functions of the Bureau agency office associated with the tribe, insofar as those responsibilities relate to education, and

"(ii) the termination by the Bureau of such operations and office at the time of such assumption,

except that when mutually agreeable between the tribal governing body and the Assistant Secretary, the period in which such assumption is to occur may be modified, reduced, or extended after the initial year of the grant.

"(2) Subject to the availability of appropriated funds, grants provided under this section shall be provided for a period of 3 years and the grant may, if performance by the grantee is satisfactory to the Secretary, be renewed for additional 3-year terms.

"(d) The Secretary shall not impose any terms, conditions, or requirements on the provision of grants under this section that are not specified in this section.

"(e) For the purpose of carrying out the provisions of this section, there are authorized to be appropriated $2,000,000 for fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996, 1997, 1998, and 1999.

"SEC. 1145. PAYMENTS.

"(a)(1) Except as otherwise provided in this subsection, the Secretary shall make payments to grantees under this part in 2 payments—

"(A) one payment to be made not later than July 15 of each year in an amount equal to one-half of the amount which the grantee was entitled to receive during the preceding academic year, and

"(B) the second payment, consisting of the remainder to which the grantee is entitled for the academic year, shall be made not later than December 1 of each year.

"(2) For any school for which no payment was made from Bureau funds in the preceding academic year, full payment of the amount computed for the first academic year of eligibility under this part shall be made not later than December 1 of the academic year.

"(3) With regard to funds for grantees that become available for obligation on October 1 of the fiscal year for which such funds are appropriated, the Secretary shall make payments to grantees not later than December 1 of the fiscal year.

"(4) The provisions of chapter 39 of title 31, United States Code, shall apply to the payments required to be made by paragraphs (1), (2), and (3) of this subsection.

"SEC. 1146. DEFINITIONS.

"For the purpose of this part, unless otherwise specified—

"(1) the term 'agency school board' means a body, the members of which are appointed by the school boards of the schools located within such agency, and the number of such members shall be determined by the Secretary in consultation with the affected tribes, except that, in agencies serving a single school, the school board of such school shall fulfill these duties;

"(2) the term 'Bureau' means the Bureau of Indian Affairs of the Department of the Interior;

"(3) the term 'Bureau funded school' means—

"(A) a Bureau school;

"(B) a contract school; or

"(C) a school for which assistance is provided under the Tribally Controlled Schools Act of 1988;

"(4) the term 'Bureau school' means a Bureau operated elementary or secondary day or boarding school or a Bureau operated dormitory for students attending a school other than a Bureau school;

"(5) the term 'contract or grant school' means an elementary or secondary school or a dormitory which receives financial assistance for its operation under a contract, grant, or agreement with the Bureau under section 102, 103(a), or 208 of the Indian Self-Determination and Education Assistance Act (25 U.S.C.

450f, 450h(a), and 458d) or under the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2504);

"(6) the term 'education line officer' means education personnel under the supervision of the Director, whether located in central, area, or agency offices;

"(7) the term 'financial plan' means a plan of services to be provided by each Bureau school;

"(8) the term 'Indian organization' means any group, association, partnership, corporation, or other legal entity owned or controlled by a federally recognized Indian tribe or tribes, or a majority of whose members are members of federally recognized Indian tribes;

"(9) the term 'local educational agency' means a board of education or other legally constituted local school authority having administrative control and direction of free public education in a county, township, independent, or other school district located within a State, and includes any State agency which directly operates and maintains facilities for providing free public education;

"(10) the term 'local school board', when used with respect to a Bureau school, means a body chosen in accordance with the laws of the tribe to be served or, in the absence of such laws, elected by the parents of the Indian children attending the school, except that in schools serving a substantial number of students from different tribes, the members shall be appointed by the governing bodies of the tribes affected, and the number of such members shall be determined by the Secretary in consultation with the affected tribes;

"(11) the term 'Office' means the Office of Indian Education Programs within the Bureau;

"(12) the term 'Secretary' means the Secretary of the Interior;

"(13) the term 'supervisor' means the individual in the position of ultimate authority at a Bureau school; and

"(14) the term 'tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1801 et seq.) which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.".

SEC. 382. TRIBALLY CONTROLLED SCHOOLS ACT OF 1988.

(a) New Construction.—The second sentence of paragraph (4) of section 5205(b) of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2504(b)(4)) is amended by striking "were received." and inserting "were received, except that a school receiving a grant under this part for facilities improvement and repair may use such grant funds for new construction if the tribal government or other organization provides funding for the new construction equal to at least one-fourth of the total cost of such new construction.".

(b) Composition of Grants.—Subsection (b) of section 5205 of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2504(b)) is further amended by adding at the end the following new paragraph:

"(5) If the Secretary fails to make a determination within 180 days of a request filed by an Indian tribe or tribal organization to include in such tribe or organization's grant the funds described in subsection (a)(2), the Secretary shall be deemed to have approved such request and the Secretary shall immediately amend the grant accordingly. Such tribe or organization may enforce its rights under subsection (a)(2) and this paragraph, including any denial of or failure to act on such tribe or organization's request, pursuant to the disputes authority described in section 5209(e).".

(c) PAYMENTS.—Subsection (a) of section 5208 of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2507(a)) is amended to read as follows:

"(a) PAYMENTS.—

"(1) Except as otherwise provided in this subsection, the Secretary shall make payments to grantees under this part in 2 payments, of which—

"(A) the first payment shall be made not later than July 15 of each year in an amount equal to one-half of the amount which the grantee was entitled to receive during the preceding academic year; and

"(B) the second payment, consisting of the remainder to which the grantee is entitled for the academic year, shall be made not later than December 1 of each year.

"(2) For any school for which no payment under this part was made from Bureau funds in the preceding academic year, full payment of the amount computed for the first academic year of eligibility under this part shall be made not later than December 1 of the academic year.

"(3) With regard to funds for grantees that become available for obligation on October 1 of the fiscal year for which such funds are appropriated, the Secretary shall make payments to grantees not later than December 1 of the fiscal year.

"(4) The provisions of chapter 39 of title 31, United States Code, shall apply to the payments required to be made by paragraphs (1), (2), and (3).

"(5) Paragraphs (1), (2), and (3) shall be subject to any restriction on amounts of payments under this part that are imposed by a continuing resolution or other Act appropriating the funds involved.".

(d) APPLICABILITY.—Subsection (a) of section 5209 of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2508(a)) is amended to read as follows:

"(a) CERTAIN PROVISIONS TO APPLY TO GRANTS.—All provisions of section 5, 6, 7, 104, 105(f), 106(f), 109, and 111 of the Indian Self-Determination and Education Assistance Act, except those provisions relating to indirect costs and length of contract, shall apply to grants provided under this part.

(e) EXCEPTIONS, PROBLEMS, AND DISPUTES.—Subsection (e) of section 5209 of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2508(e)) is amended—

(1) by striking "the amount of a grant under section 5205 (and the amount of any funds referred to in that section), and

payments to be made under section 5208 of this Act," and inserting "a grant authorized to be made pursuant to this part or any amendment to such grant.";

(2) by striking "the amount of, or payment of, the administrative grant" and inserting "an administrative cost grant"; and

(3) by adding at the end the following new sentence: "The Equal Access to Justice Act shall apply to administrative appeals filed after September 8, 1988, by grantees regarding a grant under this part, including an administrative cost grant.".

SEC. 383. ENDOWMENT FUNDS.

Section 302 of the Tribally Controlled Community College Assistance Act of 1978 (25 U.S.C. 1832) is amended—

(1) in subsection (a), by striking "section 333" and inserting in lieu thereof "section 331"; and

(2) in subsection (b)—

(A) by amending paragraph (1) to read as follows:

"(1) provides for the investment and maintenance of a trust fund, the corpus and earnings of which shall be invested in the same manner as funds are invested under paragraph (2) of section 331(c) of the Higher Education Act of 1965, except that for purposes of this paragraph, the term 'trust fund' means a fund established by an institution of higher education or by a foundation that is exempt from taxation and is maintained for the purpose of generating income for the support of the institution, and may include real estate;"; and

(B) in paragraph (3) by striking "same" the first time such term appears.

SEC. 384. GOALS 2000: EDUCATE AMERICA ACT.

(a) Section 315 of the Goals 2000: Educate America Act (20 U.S.C. 5895) is amended—

(1) by amending subsection (c) to read as follows:

"(c) BUREAU OF INDIAN AFFAIRS COST ANALYSIS AND STUDIES.—

"(1) IN GENERAL.—The Secretary of the Interior shall reserve from the funds received pursuant to section 304(a)(1)(B) in the first and second fiscal year for which the Secretary of the Interior receives such funds an amount not to exceed $500,000 for each such year to provide, through a contract executed, after open solicitation, with an organization or institution having extensive experience in school finance, for an analysis of—

"(A) the costs associated with meeting the academic, home-living, and residential standards of the Bureau for each Bureau funded school and annual projections of such costs; and

"(B) the feasibility and desirability of changing the method of financing for Bureau funded schools from the weighted student unit formula method in effect on the date of enactment of this Act to a school-based budget system or other alternative system of financial support.

"(2) COST ANALYSIS PURPOSE.—The purpose of the cost analysis provided for in paragraph (1)(A) shall be to provide the Bureau and the panel described in subsection (b)(4) with baseline data regarding the current state of operations funded

by the Bureau and to provide a framework for the implementation of opportunity-to-learn standards or strategies. Such analysis shall evaluate the costs of providing a program in each school operated or supported by the Bureau for the next succeeding academic year and shall be based on—

"(A) the standards either published in the Federal Register and effective for schools funded by the Bureau on the date of enactment of the Improving America's Schools Act of 1994, or the State or regional standards in effect on such date for a Bureau funded school;

"(B) the best projections of student counts and demographics as provided by the Bureau and as independently reviewed by the organization or institution selected by the Secretary to perform the analysis described in this section; and

"(C) the pay and benefit schedules and other personnel requirements for each school operated by the Bureau, as such pay and benefit schedules and requirements existed on the date of enactment of the Improving America's Schools Act of 1994.

"(3) FEASIBILITY STUDY PURPOSE.—(A) The purpose of the feasibility analysis provided for in paragraph (1)(B) shall be to determine whether it is feasible and desirable for the Bureau to replace or modify the weighted student unit formula system in effect on the date of enactment of this Act.

"(B) For the purposes of the feasibility analysis described in paragraph (1)(B), the term 'school-based budget system' means a system based upon an initial determination, at each school site, of the number of students who shall be served at the site, the needs of those students, the standards which will best meet those needs (including any standards or conditions reflecting local community input and such community's program), the personnel profile necessary to establish such program and the cost (determined on an actual basis) of funding such a program. Such a system shall include procedures to aggregate the determinations for each school site to determine the amount needed to fund all Bureau funded schools, to prepare a budget submission based upon such aggregate, and to provide for a mechanism for distributing such sums as may be appropriated based upon the determination at each school site.

"(4) RESULTS REPORT.—The contractor selected shall be required to report the results of analyses provided for in this section, in aggregate and school-specific form to the chairpersons and ranking minority members of the Committee on Education and Labor and the Committee on Appropriations of the House of Representatives and the Committee on the Indian Affairs and the Committee on Appropriations of the Senate, and to the Secretary of the Interior, not later than six months after the date of enactment of the Improving America's Schools Act of 1994. The contractor shall also be required to provide an estimate of the costs of meeting the academic and residential standards of the Bureau for each Bureau funded school for each of the three succeeding forward-funded fiscal years following the date of

submission of such report. The contractor shall provide an estimate of such costs to such persons and members not later than January 1 of each succeeding fiscal year."; and

(2) by adding at the end the following new subsections:

"(e) GRANTS.—The Secretary of the Interior may use not more than one percent of the funds received pursuant to section 304(a)(1)(B) in the first and second fiscal year for which the Secretary of the Interior receives such funds for the purpose of providing grants, if requested by Bureau funded school boards, to enable such school boards to carry out activities of reform planning as such activities are described for States in section 308(b)(2)(J), including the feasibility of becoming a contract school pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), or a grant school pursuant to section 5204 of the Tribally Controlled Schools Act of 1988.

"(f) STUDY.—In cooperation with the panel established in subsection (b)(4), the Secretary of the Interior shall conduct a study to evaluate the feasibility of contracting with a private management firm for the operation of one or more Bureau operated schools to facilitate the achievement of the National Education Goals and the efficient use of funds in the education of Indian children, and to report to the persons identified in subsection (c)(4) and to the panel described in subsection (b)(4) not later than 12 months after the date of enactment of the Improving America's Schools Act of 1994.".

SEC. 386. AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT.

(a) STAFF OF THE INSTITUTE.—Subsection (f) of section 1509 of the Higher Education Amendments of 1986 (20 U.S.C. 4416(f)) is amended to read as follows:

"(f) APPLICABILITY.—

"(1) This section shall apply to any individual appointed after October 17, 1986, for employment in the Institute. Except as provided in subsection (d) and (g), the enactment of this title shall not affect—

"(A) the continued employment of any individual employed before October 17, 1986; or

"(B) such individual's right to receive the compensation attached to such position.

"(2) This section shall not apply to an individual whose services are procured by the Institute pursuant to a written procurement contract.

"(3) This section shall not apply to employees of an entity performing services pursuant to a written contract with the Institute.".

(b) ENDOWMENT PROGRAM.—Section 1518 of the Higher Education Amendments of 1986 (20 U.S.C. 4425) is amended—

(1) in subsection (b), by adding at the end the following new paragraph:

"(6) For the purpose of complying with the contribution requirement in this subsection, the Institute may use funds or in-kind contributions of real or personal property. For the purposes of this paragraph, all contributions, in-kind and real estate, which are held by the Institute beginning on November 29, 1990, and which were received after June 2, 1988, but which

have not been included in their entirety in computations under this section shall be eligible for matching Federal funds appropriated in any year."; and

(2) in subsection (c), by amending paragraph (1) to read as follows:

"(1) Funds in the trust funds described in subsections (a) and (b) shall be invested under the same conditions and limitations as funds are invested under section 331(c)(2) of the Higher Education Act of 1965 and the regulations implementing such section (as such regulations were in effect at the time the funds are invested).".

PART I—CROSS REFERENCES AND CONFORMING AMENDMENTS

SEC. 391. CROSS REFERENCES.

(a) REFUGEE EDUCATION ASSISTANCE ACT OF 1980.—(1) Paragraph (1) of section 101 of the Refugee Education Assistance Act of 1980 (8 U.S.C. 1522 note) is amended by striking "section 198(a)" and inserting "section 14101".

(2) Paragraph (2) of section 201(b) of the Refugee Education Assistance Act of 1980 (8 U.S.C. 1522 note) is amended by striking "(other than section 303 of the Elementary and Secondary Education Act of 1965)".

(3) Paragraph (3) of section 301(b) of the Refugee Education Assistance Act of 1980 (8 U.S.C. 1522 note) is amended by striking ", except that no reduction under this paragraph shall be made for any funds made available to the State under section 303 of the Elementary and Secondary Education Act of 1965".

(4) Paragraph (2) of section 401(b) of the Refugee Education Assistance Act of 1980 (8 U.S.C. 1522 note) is amended by striking "(other than section 303 of the Elementary and Secondary Education Act of 1965)".

(b) TITLE 10.—(1) Subparagraph (A) of section 1151(b)(2) of title 10, United States Code, is amended by striking "chapter 1 of".

(2) Subparagraph (A) of section 1151(b)(3) of title 10, United States Code, is amended by striking "chapter 1 of".

(3) Subparagraph (A) of section 1598(a)(2) of title 10, United States Code, is amended by striking "chapter 1 of".

(4) Section 2194 of title 10, United States Code, is amended—

(A) in subsection (a), by striking "education agencies" and inserting "educational agency"; and

(B) in subsection (e)—

(i) by striking "education agency" and inserting "educational agency";

(ii) by striking "section 1471(12)" and inserting "section 14101"; and

(iii) by striking "(20 U.S.C. 1058(b)".

(5) Subparagraph (A) of section 2410j(a)(2) of title 10, United States Code, is amended by striking "chapter 1 of".

(c) TOXIC SUBSTANCES CONTROL ACT.—(1) Subparagraph (A) of section 202(7) of the Toxic Substances Control Act (15 U.S.C. 2642(7)(A)) is amended—

(A) by striking "section 198" and inserting "section 14101"; and

(B) by striking "(20 U.S.C. 3381)".

(2) Paragraph (9) of section 202 of the Toxic Substances Control Act (15 U.S.C. 2642(9)) is amended—

(A) by striking "section 198" and inserting "section 14101"; and

(B) by striking "(20 U.S.C. 2854)".

(3) Paragraph (12) of section 202 of the Toxic Substances Control Act (15 U.S.C. 2642(12)) is amended—

(A) by striking "section 198" and inserting "section 14101"; and

(B) by striking "(20 U.S.C. 2854)".

(4) Section 302(1) of the Toxic Substances Control Act (15 U.S.C. 2662(1)(A)) is amended—

(A) in subparagraph (A)—

(i) by striking "section 198" and inserting "section 14101"; and

(ii) by striking "(20 U.S.C. 3381)"; and

(B) in subparagraph (C), by inserting "or successor authority" after "1107)".

(d) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1993.—Paragraph (1) of section 386(h) of the National Defense Authorization Act for Fiscal Year 1993 (20 U.S.C. 238 note) is amended—

(1) by striking "section 1471(12)" and inserting "section 14101"; and

(2) by striking "(20 U.S.C. 2891(12))".

(e) HIGHER EDUCATION ACT OF 1965.—(1) Clause (ii) of section 418A(b)(1)(B) of the Higher Education Act of 1965 (20 U.S.C. 1070d-2(b)(1)(B)(ii)) is amended by striking "subpart 1 of part D of chapter 1" and inserting "part C".

(2) Subparagraph (A) of section 418A(c)(1) of the Higher Education Act of 1965 (20 U.S.C. 1070d-2(c)(1)(A)) is amended—

(A) by striking "subpart 1 of part D of chapter 1" and inserting "part C"; and

(B) by inserting "(or such part's predecessor authority)" after "1965".

(3) Subparagraph (A) of section 465(a)(2) of the Higher Education Act of 1965 (20 U.S.C. 1087ee(a)(2)(A)) is amended by striking "chapter 1 of the Education Consolidation and Improvement Act of 1981" and inserting "title I of the Elementary and Secondary Education Act of 1965".

(4) Subsection (a) of section 469 of the Higher Education Act of 1965 (20 U.S.C. 1087ii(a)) is amended by striking "chapter 1 of".

(5) Subsection (b) of section 572 of the Higher Education Act of 1965 (20 U.S.C. 1111a(b)) is amended by striking "of chapter 1".

(6) Paragraph (1) of section 581(b) of the Higher Education Act of 1965 (20 U.S.C. 1113(b)(1)) is amended by striking "part A or subpart 1 of part D of chapter 1" and inserting "part A orC".

(7) Paragraph (3) of section 581(c) of the Higher Education Act of 1965 (20 U.S.C. 1113(c)(3)) is amended by striking "chapter 1 of".

(8) Subparagraph (C) of section 586(d)(1) of the Higher Education Act of 1965 (20 U.S.C. 1114(d)(1)(C)) is amended by striking "chapter 1 of".

(9) Subparagraph (D) of section 586(d)(1) of the Higher Education Act of 1965 (20 U.S.C. 1114(d)(1)(D)) is amended by striking "chapter 1 of".

(10) Subclause (I) of section 1144(b)(1)(B)(iv) of the Higher Education Act of 1965 (20 U.S.C. 1138c(b)(1)(B)(iv)(I)) is amended by striking "chapter 1 of".

(f) Individuals With Disabilities Education Act.—(1) Clause (ii) of section 602(a)(21)(A) of the Individuals with Disabilities Education Act (20 U.S.C. 1401(a)(21)(A)(ii)) is amended by striking "chapter 1 of".

(2) Paragraph (2) of section 613(a) of the Individuals with Disabilities Education Act (20 U.S.C. 1413(a)(2)) is amended by striking ", including subpart 2 of part D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965,".

(3) Subparagraph (B) of section 622(c)(2) of the Individuals with Disabilities Education Act (20 U.S.C. 1422(c)(2)) is amended by striking "and subpart 2 of part D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965".

(g) Education Amendments of 1972.—Subparagraph (B) of section 908(2) of the Education Amendments of 1972 (20 U.S.C. 1687(2)(B)) is amended by striking "section 198(a)(10)" and inserting "section 14101".

(h) Department of Education Organization Act.—Section 204 of the Department of Education Organization Act (20 U.S.C. 3414) is amended by striking "subpart 1 of part B" and inserting "part C".

(i) Education and Training for a Competitive America Act of 1988.—The Education and Training for a Competitive America Act of 1988 (20 U.S.C. 5001 et seq.) is repealed.

(j) Educational Partnerships Act of 1988.—The Educational Partnerships Act of 1988 (20 U.S.C. 5031 et seq.) is repealed.

(k) Secondary Schools Basic Skills Demonstration Assistance Act of 1988.—The Secondary Schools Basic Skills Demonstration Assistance Act of 1988 (20 U.S.C. 5061 et seq.) is repealed.

(l) Excellence in Mathematics, Science and Engineering Education Act of 1990.—The Excellence in Mathematics, Science and Engineering Education Act of 1990 (20 U.S.C. 5311 et seq.) is repealed.

(m) National Environmental Education Act.—Paragraph (5) of section 3 of the National Environmental Education Act (20 U.S.C. 5502(5)) is amended—

(1) by striking "local education" and inserting "local educational"; and

(2) by striking "section 198" and inserting "section 14101".

(n) Job Training Partnership Act.—(1) Paragraph (23) of section 4 of the Job Training Partnership Act (29 U.S.C. 1503(23)) is amended by striking "section 1471(23)" and inserting "section 14101".

(2) Subparagraph (B) of section 263(a)(2) of the Job Training Partnership Act (29 U.S.C. 1643(a)(2)(B)) is amended by striking “chapter 1 of”.

(3) Subparagraph (B) of section 263(g)(1) of the Job Training Partnership Act (29 U.S.C. 1643(g)(1)(B)) is amended by striking “chapter 1 of”.

(4) Paragraph (2) of section 265(b) of the Job Training Partnership Act (29 U.S.C. 1645(b)(2)) is amended by striking “parts A through D of chapter 1” and inserting “parts A through C”.

(o) National Defense Authorization Act for Fiscal Year 1993.—Paragraph (3) of section 1091(l) of the National Defense Authorization Act for Fiscal Year 1993 (32 U.S.C. 501 note) is amended by inserting “(as such section was in effect on the day preceding the date of enactment of this Act)” after “1965”.

(p) Safe Drinking Water Act.—Section 1461 of the Safe Drinking Water Act (42 U.S.C. 300j–21(6)) is amended—

(1) in subparagraph (A) of paragraph (3)—

(A) by striking “section 198” and inserting “section 14101”; and

(B) by striking “(20 U.S.C. 3381)”; and

(2) in paragraph (6)—

(A) by striking “section 198” and inserting “section 14101”; and

(B) by striking “(20 U.S.C. 2854)”.

(q) Civil Rights Act of 1964.—Subparagraph (B) of section 606(2) of the Civil Rights Act of 1964 (42 U.S.C. 2000d–4a(2)(B)) is amended by striking “section 198(a)(10)” and inserting “section 14101”.

(r) Older Americans Act of 1965.—(1) Section 338A of the Older Americans Act of 1965 (42 U.S.C. 3030g–12(a)(1)) is amended—

(A) in paragraph (1) of subsection (a)—

(i) by striking “section 1471” and inserting “section 14101”; and

(ii) by striking “(20 U.S.C. 2891)”; and

(B) in paragraph (3) of subsection (b)—

(i) by striking “projects under section 1015” and inserting “programs under section 1114”; and

(ii) by striking (20 U.S.C. 2025)”.

(2) Subparagraph (B) of section 363(5) of the Older Americans Act of 1965 (42 U.S.C. 3030o(5)(B)) is amended—

(A) by striking “section 1471” and inserting “section 14101”; and

(B) by striking “(20 U.S.C. 2891)”.

(s) Carl D. Perkins Vocational and Applied Technology Education Act.—(1) Subsection (d) of section 111 of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2321(d)) is amended by striking “chapter 1 of”.

(2) Paragraph (14) of section 113(b) of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2323(b)(14)) is amended by striking “chapter 1 of”.

(3) Subsection (a) of section 115 of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2325(a)) is amended—

(A) by striking "chapter 1 of"; and

(B) by inserting "of 1965" after "Secondary Education Act".

(4) Paragraph (1) of section 231(a) of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2341(a)(1)) is amended by striking "section 1005" and inserting "section 1124 or such section's predecessor authority".

(5) Clause (iv) of section 231(d)(3)(A) of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2341(d)(3)(A)(iv)) is amended by striking "chapter 1 of".

(6) Paragraph (3) of section 420(a) of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2420(a)(3)) is amended by striking "section 1562" and inserting "part B of title XIII".

(7) Paragraph (20) of section 521 of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2471(20)) is amended by striking "section 1471(5)" and inserting "section 14101".

(8) Paragraph (21) of section 521 of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2471(21)) is amended by striking "section 703(a)(1)" and inserting "section 7004(a)".

(t) JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974.—Paragraph (2) of section 288E(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5667e-5(a)(2)) is amended by striking "chapter 1 of".

(u) AGE DISCRIMINATION ACT OF 1975.—Clause (ii) of section 309(4)(B) of the Age Discrimination Act of 1975 (42 U.S.C. 6107(4)(B)(ii)) is amended by striking "section 198(a)(10)," and inserting "section 14101".

(v) HEAD START TRANSITIONAL PROJECT ACT.—(1) Paragraph (4) of section 132 of the Head Start Transition Project Act (42 U.S.C. 9855(4)) is amended by striking "section 1471(12)" and inserting "section 14101".

(2) Subsection (a) of section 134 of the Head Start Transition Project Act (42 U.S.C. 9855b(a)) is amended by striking "of chapter 1".

(3) Subsection (b) of section 134 of the Head Start Transition Project Act (42 U.S.C. 9855b(b)) is amended by striking "of chapter 1".

(4) Subsection (d) of section 135 of the Head Start Transition Project Act (42 U.S.C. 9855c(d)) is amended by striking "schoolwide project under section 1015(a)" and inserting "schoolwide program under section 1114".

(5) Subparagraph (C) of section 136(a)(4) of the Head Start Transition Project Act (42 U.S.C. 9855d(a)(4)(C)) is amended—

(A) by striking "the Follow Through Act, chapter 1 of"; and

(B) by striking ", part B of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (Even Start)".

(6) Paragraph (8) of section 136(a) of the Head Start Transition Project Act (42 U.S.C. 9855d(a)(8)) is amended by striking "part B of chapter 1" and inserting "part B".

(7) Paragraph (10) of section 136(a) of the Head Start Transition Project Act (42 U.S.C. 9855d(a)(10)) is amended by striking "part B of chapter 1" and inserting "part B".

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(w) Follow Through Act.—The Follow Through Act (42 U.S.C. 9861 et seq.) is repealed.

(x) Comprehensive Child Development Act.—Paragraph (5) of section 670S of the Comprehensive Child Development Act (42 U.S.C. 9886(5)) is amended by striking "section 1471(12)" and inserting "section 14101".

(y) National and Community Service Act of 1990.—Subparagraph (B) of section 112(b)(2) of the National and Community Service Act of 1990 (42 U.S.C. 12524(b)(2)(B)) is amended by striking "chapter 1 of".

(z) Training Technology Transfer Act of 1988.—Paragraph (1) of section 6144 of the Training Technology Transfer Act of 1988 (20 U.S.C. 5124(1)) is amended by striking "section 405(d)(4)(A)(i) of the General Education Provisions Act (20 U.S.C. 1221e(d)(4)(A)(i))" and inserting "section 941(h) of the Educational Research, Development, Dissemination, and Improvement Act of 1994".

SEC. 392. ADDITIONAL REPEALS AND TECHNICAL AND CONFORMING AMENDMENTS REGARDING IMPACT AID.

(a) Additional Repeals.—

(1) Omnibus Budget Reconciliation Act of 1981.—Subsection (c) of section 505 of the Omnibus Budget Reconciliation Act of 1981 is repealed.

(2) Education Amendments of 1984.—Section 302 of the Education Amendments of 1984 is repealed.

(3) Department of Education Appropriations Act, 1991.—Section 306 of the Department of Education Appropriations Act, 1991, is repealed.

(4) National Assessment of Chapter 1 Act.—Paragraph (2) of section 3(a) of the 1992 National Assessment of Chapter 1 Act is repealed.

(5) Public Law 92-277.—Section 2 of Public Law 92-277 (86 Stat. 124) is repealed.

(b) Technical and Conforming Amendments.—

(1) Elementary and Secondary Education Amendments of 1966.—Section 182 of the Elementary and Secondary Education Amendments of 1966 is amended by striking "by the Act of September 23, 1950 (Public Law 815, 81st Congress),".

(2) Toxic Substances Control Act.—Subparagraph (C) of section 302(1) of the Toxic Substances Control Act (15 U.S.C. 2662(1)(C)) is amended by inserting "as in effect before enactment of the Improving America's Schools Act of 1994" after "section 6 of the Act of September 30, 1950 (64 Stat. 1107),".

SEC. 393. INDIAN EDUCATION.

(a) Adult Education Act.—Paragraph (4) of section 322(a) of the Adult Education Act (20 U.S.C. 1203a(a)) is amended by striking "the Indian Education Act" and inserting "title IX of the Elementary and Secondary Education Act of 1965".

(b) Education Amendments of 1978.—Paragraph (3) of section 1128(c) of the Education Amendments of 1978 (25 U.S.C. 2008(c)(3)) is amended—

(1) in clause (i) of subparagraph (A), by striking "(as determined pursuant to section 5324 of the Indian Education Act of 1988)"; and

(2) in subparagraph (B)—

(A) by striking "the later of the following" and all that follows through "(ii)"; and

(B) by inserting ", and for each fiscal year thereafter" before the period at the end thereof.

(c) INDIAN EDUCATION ASSISTANCE ACT.—Section 209 of the Indian Education Assistance Act (25 U.S.C. 458e) is amended by striking "title IV of the Act of June 23, 1972 (86 Stat. 235)" and inserting "title IX of the Elementary and Secondary Education Act of 1965".

(d) JOHNSON-O'MALLEY ACT.—Subsection (a) of section 5 of the Act of April 16, 1934, commonly known as the "Johnson-O'Malley Act" (25 U.S.C. 456(a)) is amended by striking "section 305(b)(2)(B)(ii) of the Act of June 23, 1972 (86 Stat. 235)" and inserting "section 9104(c)(4) of the Elementary and Secondary Education Act of 1965".

SEC. 394. OTHER TECHNICAL AND CONFORMING AMENDMENTS.

(a) ADULT EDUCATION ACT.—Paragraph (7) of section 342(c) of the Adult Education Act (20 U.S.C. 1206a(c)) is amended by striking "section 7004(a) of title VII" and inserting "section 7004(a)".

(b) ANTI-DRUG ABUSE ACT OF 1988.—Subparagraph (A) of section 3521(d)(8) of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11841(d)(8)(A)) is amended by striking "the Drug-Free Schools and Communities Act of 1986" and inserting "title IV of the Elementary and Secondary Education Act of 1965".

(c) ASBESTOS SCHOOL HAZARD ABATEMENT ACT.—Section 511 of the Asbestos School Hazard Abatement Act of 1984 (20 U.S.C. 4020) is amended—

(1) in subparagraph (A) of paragraph (4), by striking "section 198(a)(10)" and inserting "section 14101"; and

(2) in subparagraph (A) of paragraph (5), by striking "section 198(a)(7)" and inserting "section 14101".

(d) CRANSTON-GONZALEZ NATIONAL AFFORDABLE HOUSING ACT.—Paragraph (10) of section 457 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12899f(10)) is amended by striking "section 7003 of the Bilingual Education Act" and inserting "section 7004(a) of the Elementary and Secondary Education Act of 1965".

(e) FAMILY AND MEDICAL LEAVE ACT OF 1993.—Subparagraph (A) of section 108(a)(1) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2618(a)(1)(A)) is amended by striking "section 1471(12)" and inserting "section 14101".

(f) GOALS 2000: EDUCATION AMERICA ACT.—The Goals 2000: Educate America Act is amended—

(1) in section 3—

(A) in subsection (a)—

(i) in paragraph (6), by striking "section 1471" and inserting "section 14101"; and

(ii) in paragraph (10), by striking "section 602" and inserting "section 602(a)(17)"; and

(B) in paragraph (1) of subsection (b), by striking "section 1471" and inserting "section 14101";

(2) in paragraph (7) of section 231, by striking "chapter 1 of";

(3) in subsection (b) of section 232—

(A) in subparagraph (A) of paragraph (2), by striking "Star Schools Program Assistance Act" and inserting "Star Schools program authorized by part B of title III of the Elementary and Secondary Education Act of 1965"; and

(B) in subparagraph (F) of paragraph (3), by striking "the evaluation undertaken pursuant to section 908 of the Star Schools Program Assistance Act" and inserting "any evaluation of the Star School program undertaken by the Secretary";

(4) in subsection (b) of section 310, by striking "section 1017" and inserting "sections 1020 and 14503"; and

(5) in subsection (b) of section 311, by amending paragraphs (1) through (6) to read as follows:

"(1) Title I of the Elementary and Secondary Education Act of 1965.

"(2) Part A of title II of the Elementary and Secondary Education Act of 1965.

"(3) Part A of title V of the Elementary and Secondary Education Act of 1965.

"(4) Title VIII of the Elementary and Secondary Education Act of 1965.

"(5) Part B of title IX of the Elementary and Secondary Education Act of 1965.

"(6) The Carl D. Perkins Vocational and Applied Technology Education Act.".

(g) Immigration and Nationality Act.—Subparagraph (D) of section 245A(h)(4) of the Immigration and Nationality Act (8 U.S.C. 1255a(h)(4)(D)) is amended to read as follows:

"(D) Title I of the Elementary and Secondary Education Act of 1965.".

(h) National and Community Service Act of 1990.—The National and Community Service Act of 1990 is amended—

(1) in section 101—

(A) in paragraph (8), by striking "section 1471(8) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(8))" and inserting "section 14101 of the Elementary and Secondary Education Act of 1965";

(B) in paragraph (14), by striking "section 1471(12) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(12))" and inserting "section 14101 of the Elementary and Secondary Education Act of 1965;

(C) in paragraph (22), by striking "section 1471(21) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(21))" and inserting "section 14101 of the Elementary and Secondary Education Act of 1965"; and

(D) in paragraph (28), by striking "section 1471(23) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(23))" and inserting "section 14101 of the Elementary and Secondary Education Act of 1965";

(2) in subparagraph (B) of section 112(b)(2), by inserting "or its successor authority" after "(20 U.S.C. 2711 et seq.)"; and

(3) in subsection (b) of section 115A, by inserting ", as in effect on the day preceding the date of enactment of the Improving America's Schools Act of 1994" after "(20 U.S.C. 2727(b))".

(i) REHABILITATION ACT OF 1973.—The Rehabilitation Act of 1973 is amended—

(1) in section 202(b)(4)(A)(i), by striking "paragraphs (8) and (21), respectively, of section 1471 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891 (8) and (21))" and inserting "section 14101 of the Elementary and Secondary Education Act of 1965"; and

(2) in subparagraph (B) of section 504(b)(2), by striking "section 1471(12)" and inserting "section 14101".

(j) SCHOOL-TO-WORK OPPORTUNITIES ACT OF 1994.—The School-to-Work Opportunities Act of 1994 is amended—

(1) in paragraph (15) of section 4, by striking "section 602(17)" and inserting "section 602(a)(17)"; and

(2) in subsection (b) of section 502, by amending paragraphs (1) through (6) to read as follows:

"(1) title I of the Elementary and Secondary Education Act of 1965;

"(2) part A of title II of the Elementary and Secondary Education Act of 1965;

"(3) part A of title V of the Elementary and Secondary Education Act of 1965;

"(4) part B of title IX of the Elementary and Secondary Education Act of 1965;

"(5) title XIII of the Elementary and Secondary Education Act of 1965; and

"(6) the Carl D. Perkins Vocational and Applied Technology Education Act.".

(k) SOCIAL SECURITY ACT.—Paragraph (7) of section 402(g) of the Social Security Act (42 U.S.C. 602(g)(7)) is amended by striking "chapter 1 of the Education Consolidation and Improvement Act of 1981" and inserting "title I of the Elementary and Secondary Education Act of 1965".

(l) STATE DEPENDENT CARE DEVELOPMENT GRANTS ACT.—Section 670G of the State Dependent Care Development Grants Act (42 U.S.C. 9877) is amended—

(1) in paragraph (6), by striking "section 198(a)(10)" and inserting "section 14101 of the Elementary and Secondary Education Act of 1965"; and

(2) in paragraph (11), by striking "section 198(a)(17)" and inserting "section 14101".

(m) TRIBALLY CONTROLLED SCHOOLS ACT OF 1988.—The Tribally Controlled Schools Act of 1988 is amended—

(1) in subparagraph (C) of section 5204(a)(3), by striking "chapter 1 of"; and

(2) in section 5205—

(A) in subparagraph (A) of subsection (a)(3), by striking "chapter 1 of"; and

(B) in subsection (b)—

(i) in subparagraph (A) of paragraph (2), by striking "chapter 1 of"; and

(ii) in clause (i) of paragraph (3)(A), by striking "chapter 1 of".

TITLE IV—NATIONAL EDUCATION STATISTICS

SEC. 401. SHORT TITLE.

This title may be cited as the "National Education Statistics Act of 1994".

SEC. 402. FINDINGS; PURPOSE; DEFINITIONS.

(a) FINDINGS.—The Congress finds that—

(1) a Department of Education was established in 1867 "for the purpose of collecting such statistics and facts as shall show the condition and progress of education in the several States and territories, and of diffusing such information respecting the organization and management of schools and school systems and methods of teaching as shall aid the people of the United States in the establishment and maintenance of efficient school systems, and otherwise promote the cause of education throughout the United States";

(2) today, while the role of the current Department of Education is much broader, the National Center for Education Statistics within the Office of Educational Research and Improvement continues to perform those crucial original purposes; and

(3) looking to the 21st century, the National Center for Education Statistics must be able to design and undertake, effectively and efficiently, statistical activities that will aid in the reform of the Nation's educational systems.

(b) PURPOSE.—It is the purpose of this title to ensure the continuation of an effective mechanism for collecting and reporting statistics and information showing the condition and progress of education in the United States and other nations in order to promote and accelerate the improvement of American education.

(c) DEFINITIONS.—For the purpose of this title and unless otherwise specified—

(1) the term "Assistant Secretary" means the Assistant Secretary for Educational Research and Improvement established under section 202(b)(1)(E) of the Department of Education Organization Act;

(2) the term "Department" means the Department of Education;

(3) the term "institution of higher education" has the same meaning given such term in section 1201(a) of the Higher Education Act of 1965;

(4) the term "local educational agency" has the same meaning given such term in section 14101 of the Elementary and Secondary Education Act of 1965;

(5) the term "Secretary" means the Secretary of Education;

(6) the term "State educational agency" has the same meaning given such term in section 14101 of the Elementary and Secondary Education Act of 1965; and

(7) the terms "State" and "United States"—

(A) other than for the purpose of section 411, mean each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico; and

(B) for the purpose of section 411, have the same meaning given such terms in subparagraph (A), except that such terms include Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and Palau.

SEC. 403. NATIONAL CENTER FOR EDUCATION STATISTICS.

(a) ESTABLISHMENT.—There is established, within the Office of Educational Research and Improvement established under section 208 of the Department of Education Organization Act, a National Center for Education Statistics (hereafter in this title referred to as the "Center").

(b) COMMISSIONER AND ASSOCIATE COMMISSIONERS.—

(1) COMMISSIONER.—The Center shall be headed by a Commissioner of Education Statistics (hereafter in this title referred to as the "Commissioner") who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall—

(A) have substantial knowledge of programs assisted by the Center;

(B) be paid in accordance with section 5315 of title 5, United States Code; and

(C) serve for a term of four years, with the terms to expire every fourth June 21, beginning in 1995.

(2) ASSOCIATE COMMISSIONERS.—The Commissioner may appoint such Associate Commissioners as the Commissioner determines are necessary and appropriate.

SEC. 404. DUTIES OF THE CENTER.

(a) DUTIES.—The duties of the Center are to collect, analyze, and disseminate statistics and other information related to education in the United States and in other nations, including—

(1) collecting, acquiring, compiling (where appropriate, on a State by State basis), and disseminating full and complete statistics on the condition and progress of education, at the preschool, elementary, secondary, and postsecondary levels in the United States, including data on—

(A) State and local education reform activities;

(B) student achievement at all levels of education;

(C) secondary school completions, dropouts, and adult literacy;

(D) educational access to and opportunity for postsecondary education, including data on financial aid to postsecondary students;

(E) teaching, including data on course-taking, instruction, the conditions of the education workplace, and the supply of, and demand for, teachers, which may include data on the proportions of women and men, cross-tabulated by race or ethnicity, teaching in subjects in which such individuals have been historically underrepresented;

(F) the learning and teaching environment, including data on libraries;

(G) the incidence, frequency, seriousness, and nature of violence affecting students, school personnel, and other individuals participating in school activities, as well as other indices of school safety;

(H) the financing and management of education, including data on revenues and expenditures; and

(I) the social and economic status of children;

(2) conducting and publishing reports and analyses of the meaning and significance of such statistics;

(3) conducting longitudinal studies, as well as regular and special surveys and data collections, necessary to report on the condition and progress of education;

(4) collecting, analyzing, cross-tabulating, and reporting, to the extent feasible, so as to provide information by gender, race, socioeconomic status, limited-English proficiency, and other population characteristics when such disaggregated information would facilitate educational and policy decisionmaking;

(5) assisting public and private educational agencies, organizations, and institutions in improving and automating statistical and data collection activities; and

(6) acquiring and disseminating data on educational activities and student achievement in the United States compared with foreign nations.

(b) TRAINING PROGRAM.—The Commissioner may establish a program to train employees of public and private educational agencies, organizations, and institutions in the use of the Center's standard statistical procedures and concepts and may establish a fellows program to appoint such employees as temporary fellows at the Center in order to assist the Center in carrying out its duties.

SEC. 405. PERFORMANCE OF DUTIES.

(a) GRANTS, CONTRACTS, AND COOPERATIVE AGREEMENTS.—

(1) IN GENERAL.—In carrying out the Commissioner's duties under this title, the Commissioner may award grants, and enter into contracts and cooperative agreements.

(2) DURATION.—Notwithstanding any other provision of law, the grants, contracts, and cooperative agreements under this section may be awarded, on a competitive basis, for a period of not more than five years, and may be renewed at the discretion of the Commissioner for an additional period of not more than five years.

(b) GATHERING INFORMATION.—

(1) SAMPLING.—The Commissioner may use the statistical method known as sampling to carry out the purpose of this title.

(2) SOURCE OF INFORMATION.—The Commissioner may, as the Commissioner considers appropriate, use information collected—

(A) from States, local educational agencies, public and private schools, preschools, institutions of higher education, libraries, administrators, teachers, students, the general public, and such other individuals, organizations, agencies, and institutions as the Commissioner may consider appropriate; and

(B) by other offices within the Department and by other Federal departments, agencies, and instrumentalities.

(3) COLLECTION.—The Commissioner may—

(A) enter into interagency agreements for the collection of statistics;

(B) arrange with any agency, organization, or institution for the collection of statistics; and

(C) assign employees of the Center to any such agency, organization, or institution to assist in such collection.

(4) TECHNICAL ASSISTANCE AND COORDINATION.—In order to maximize the effectiveness of Federal efforts to serve the educational needs of children and youth, the Commissioner shall—

(A) provide technical assistance to Department offices that gather data for statistical purposes; and

(B) coordinate closely with other Department offices in the collection of data.

SEC. 406. REPORTS.

(a) REPORT ON THE CONDITION AND PROGRESS OF EDUCATION.—The Commissioner shall, not later than June 1, 1995, and each succeeding June 1 thereafter, submit to the President and the Congress a statistical report on the condition and progress of education in the United States.

(b) STATISTICAL REPORTS.—The Commissioner shall issue regular statistical reports to the President and Congress on such education topics as the Commissioner determines to be appropriate.

(c) SPECIAL REPORTS.—The Commissioner may, whenever the Commissioner considers it appropriate, issue special reports on particular education topics.

SEC. 407. ADVISORY COUNCIL ON EDUCATION STATISTICS.

(a) ESTABLISHMENT.—There is established, within the Center, the Advisory Council on Education Statistics (hereafter in this title referred to as the "Council").

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Council shall be composed of—

(A) 18 voting members who are users of education data and who are appointed by the Secretary on the basis of their experience and eminence within the field of education, of whom at least—

(i) three shall be practicing educators;

(ii) three shall be education policymakers;

(iii) three shall be professional statisticians;

(iv) three shall be education researchers; and

(v) three shall be experts in educational measurement;

(B) three individuals representing the general public, appointed by the Secretary;

(C) the Director of the Census and the Commissioner of Labor Statistics, as voting, ex officio members; and

(D) the Assistant Secretary and the Commissioner, as nonvoting, ex officio members.

(2) PRESIDING OFFICER.—The Commissioner shall appoint the presiding officer of the Council from among the voting members of the Council.

(3) TERMS.—Members of the Council appointed under paragraph (1)(A) shall be appointed for three-year terms except that, in the case of initial appointments, the Secretary shall make appointments for shorter terms to the extent necessary to avoid the expiration of the terms of more than six members in the same calendar year.

(4) MEETINGS.—(A) The Council shall meet in public session at the call of the presiding officer, except that the Council shall meet—

(i) at least two times during each calendar year; and

(ii) in addition, whenever ten voting members request in writing that the presiding officer call a meeting.

(B) Eleven voting members of the Council shall constitute a quorum.

(5) SPECIAL RULE.—The Council shall—

(A) review general policies for the operation of the Center and shall advise the Commissioner on standards to ensure that statistics and other information disseminated by the Center are of high quality and are not subject to partisan political influence; and

(B) advise the Commissioner and the National Assessment Governing Board on technical and statistical matters related to the National Assessment of Educational Progress.

(6) STAFF.—The Council shall appoint a staff of not more than six individuals with technical expertise to enable the Council to carry out its duties.

SEC. 408. CONFIDENTIALITY.

(a) CONFIDENTIALITY STANDARDS.—

(1) IN GENERAL.—(A) The Center shall develop and enforce standards designed to protect the confidentiality of persons in the collection, reporting, and publication of data under this title.

(B) This section shall not be construed to protect the confidentiality of information about institutions, organizations, and agencies that receive grants from, or have contracts or cooperative agreements with, the Federal Government.

(2) PROHIBITION.—No person may—

(A) use any individually identifiable information furnished under this title for any purpose other than a statistical purpose;

(B) make any publication whereby the data furnished by any particular person under this title can be identified; or

(C) permit anyone other than the individuals authorized by the Commissioner to examine the individual reports.

(b) ADMINISTRATION.—

(1) IN GENERAL.—No department, bureau, agency, officer, or employee of the Federal Government, except the Commissioner in carrying out the purposes of this title, shall require, for any reason, copies of reports that have been filed under this title with the Center or retained by any individual respondent. Copies of such reports that have been so filed or retained with the Center or any of the Center's employees, contractors, or

agents shall be immune from legal process, and shall not, without the consent of the individual concerned, be admitted as evidence or used for any purpose in any action, suit, or other judicial or administrative proceeding. This paragraph shall apply only to individually identifiable information (as defined in paragraph (5)(A)).

(2) EMPLOYEE OR STAFF VIOLATIONS.—Whoever, being or having been an employee or staff member of the Department, having taken or subscribed the oath of office, or having sworn to observe the limitations imposed by subsection (a)(2), knowingly publishes or communicates any individually identifiable information (as defined in paragraph (5)(A)), the disclosure of which is prohibited by subsection (a)(2), and that comes into such employee or staff's possession by reason of employment (or otherwise providing services) under this title, shall be found guilty of a class E felony and imprisoned for not more than five years, or fined as specified in section 3571 of title 18, United States Code, or both.

(3) TEMPORARY STAFF.—The Commissioner may utilize temporary staff, including employees of Federal, State, or local agencies or instrumentalities (including local educational agencies), and employees of private organizations to assist the Center in performing the Center's responsibilities, but only if such temporary staff are sworn to observe the limitations imposed by this section.

(4) INFORMATION REQUIREMENTS.—No collection of information or data acquisition activity undertaken by the Center shall be subject to any review, coordination, or approval procedure except as required by the Director of the Office of Management and Budget under the rules and regulations established pursuant to chapter 35 of title 44, United States Code, except such collection of information or data acquisition activity may be subject to review or coordination if the Commissioner determines that such review or coordination is beneficial.

(5) DEFINITIONS.—For the purposes of this section—

(A) the term "individually identifiable information" means any record, response form, completed survey, or aggregation thereof from which information about particular individuals may be revealed; and

(B) the term "report" means a response provided by or about an individual to an inquiry from the Center and does not include a statistical aggregation from which individually identifiable information cannot be revealed.

(6) VIOLATIONS.—Any person who uses any data provided by the Center, in conjunction with any other information or technique, to identify any individual student, teacher, administrator, or other individual and who knowingly discloses, publishes, or uses such data for a purpose other than a statistical purpose, or who otherwise violates subparagraph (A) or (B) of subsection (a)(2), shall be found guilty of a class E felony and imprisoned for not more than five years, or fined as specified in section 3571 of title 18, United States Code, or both.

(7) ACCESS TO REPORTS OR RECORDS.—Nothing in this section shall restrict the right of the Secretary, the Comptroller

General of the United States, the Director of the Congressional Budget Office, and the Librarian of Congress, to gain access to any reports or other records, including information identifying individuals, in the Center's possession, except that the same restrictions on disclosure that apply under paragraphs (1) and (6) shall apply to such individuals.

SEC. 409. DISSEMINATION.

(a) GENERAL REQUESTS.—

(1) IN GENERAL.—The Center may furnish transcripts or copies of tables and other statistical records and make special statistical compilations and surveys for State and local officials, public and private organizations, and individuals.

(2) COMPILATIONS.—The Center shall provide State and local educational agencies opportunities to suggest the development of particular compilations of statistics, surveys, and analyses that would assist those educational agencies.

(b) CONGRESSIONAL REQUESTS.—The Center shall furnish such special statistical compilations and surveys as the Congress may request.

(c) JOINT STATISTICAL PROJECTS.—The Secretary may engage in joint statistical projects related to the purposes of this title, or other statistical purposes authorized by law, with nonprofit organizations or agencies, and the cost of such projects shall be shared equitably as determined by the Secretary.

(d) FEES.—

(1) IN GENERAL.—Statistical compilations and surveys under this section, other than those carried out pursuant to subsections (b) and (c), may be made subject to the payment of the actual or estimated cost of such work.

(2) FUNDS RECEIVED.—All funds received in payment for work or services described in this subsection may be used to pay directly the costs of such work or services, to repay appropriations that initially bore all or part of such costs, or to refund excess sums when necessary.

(e) ACCESS.—

(1) OTHER AGENCIES.—The Center shall, consistent with section 408, cooperate with other Federal agencies having a need for educational data in providing access to educational data received by the Center.

(2) INTERESTED PARTIES.—The Center shall, in accordance with such terms and conditions as the Secretary may prescribe, provide all interested parties, including public and private agencies and individuals, direct access to data collected by the Center for the purposes of research and acquiring statistical information.

SEC. 410. COOPERATIVE EDUCATION STATISTICS SYSTEMS.

(a) IN GENERAL.—The Commissioner may establish one or more national cooperative education statistics systems for the purpose of producing and maintaining, with the cooperation of the States, comparable and uniform information and data on elementary and secondary education, postsecondary education, and libraries, that are useful for policymaking at the Federal, State, and local levels. In carrying out this section, the Commissioner may provide technical

assistance, and make grants and enter into contracts and cooperative agreements.

(b) Model Data System.—The Commissioner, working through the cooperative education statistics system, shall study, design, and pilot a model data system that will yield information about spending for administration at the school and local education agency levels.

SEC. 411. NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS.

(a) Establishment.—The Commissioner shall, with the advice of the National Assessment Governing Board established under section 412, and with the technical assistance of the Advisory Council established under section 407, carry out, through grants, contracts, or cooperative agreements with one or more qualified organizations, or consortia thereof, a National Assessment of Educational Progress (hereafter in this title referred to as the "National Assessment").

(b) Purpose; State Assessments.—

(1) Purpose.—The purpose of the National Assessment is to provide a fair and accurate presentation of educational achievement in reading, writing, and the other subjects included in the third National Education Goal, regarding student achievement and citizenship. The Commissioner, in carrying out the National Assessment, shall use sampling techniques that produce data that are representative on a national and regional basis, and on a State basis pursuant to paragraph (2). In addition, the Commissioner shall—

(A) collect and report data on a periodic basis, but at least once every two years, on students at ages 9, 13, and 17 and in grades 4, 8, and 12 in public and private schools;

(B) report achievement data on a basis that ensures valid and reliable trend reporting;

(C) include information on special groups, including, whenever feasible, information collected, cross-tabulated, analyzed, and reported by sex, race or ethnicity and socioeconomic status; and

(D) ensure that achievement data are made available on a timely basis following official reporting, in a manner that facilitates further analysis.

(2) State Assessments.—(A)(i) The Commissioner, in carrying out the National Assessment, may conduct State assessments of student achievement in grades 4, 8, and 12.

(ii) Each such State assessment, in each subject area and at each grade level, shall be conducted on a developmental basis until the Commissioner determines, as the result of an evaluation required by subsection (f), that such assessment produces high quality data that are valid and reliable.

(B)(i) States wishing to participate in State assessments shall enter into an agreement with the Secretary pursuant to subsection (d)(2).

(ii) Such agreement shall contain information sufficient to give States full information about the process for consensus decisionmaking on objectives to be tested, and the standards for sampling, test administration, test security, data collection, validation, and reporting.

(C) A participating State shall review and give permission for the release of results from any test of its students administered as a part of a State assessment prior to the release of such data. Refusal by a State to release its data shall not restrict the release of data from other States that have approved the release of such data.

(3) PROHIBITED DATA.—In carrying out the National Assessment, the Commissioner shall not collect any data that are not directly related to the appraisal of educational performance, achievement, and traditional demographic reporting variables, or to the fair and accurate presentation of such information.

(4) TECHNICAL ASSISTANCE.—In carrying out the National Assessment, the Commissioner may provide technical assistance to States, localities, and other parties.

(c) ACCESS.—

(1) PUBLIC ACCESS.—Except as provided in paragraph (2), the public shall have access to all data, questions, and test instruments of the National Assessment.

(2) PERSONALLY IDENTIFIABLE INFORMATION.—(A) The Commissioner shall ensure that all personally identifiable information about students, their educational performance, and their families, and that information with respect to individual schools, remains confidential, in accordance with section 552a of title 5, United States Code.

(B) Notwithstanding any other provision of law, the Commissioner may decline to make available to the public for a period, not to exceed ten years after initial use, cognitive questions that the Commissioner intends to reuse in the future.

(d) PARTICIPATION.—

(1) NATIONAL AND REGIONAL.—Participation in the national and regional assessments by State and local educational agencies shall be voluntary.

(2) STATE.—Participation in assessments made on a State basis shall be voluntary. The Commissioner shall enter into an agreement with any State that desires to carry out an assessment for the State under this subsection. Each such agreement shall contain provisions designed to ensure that the State will—

(A) participate in the assessment; and

(B) pay from non-Federal sources the non-Federal share of such participation.

(3) NON-FEDERAL SHARE.—(A) For each fiscal year, the non-Federal share for the purpose of paragraph (2)(B) shall be—

(i) the cost of conducting the assessment at the school level for all public schools in the State sample;

(ii) the cost of coordination within the State; and

(iii) other reasonable costs specified by the Secretary in the agreement described in paragraph (2), such as the cost of analyzing and reporting the data.

(B) The non-Federal share of payments under this paragraph may be in cash or in kind, fairly valued.

(C) The agreement described in paragraph (2) shall describe the manner in which the costs of administering the assessment to private nonprofit schools included in the State sample will be met.

(e) STUDENT PERFORMANCE LEVELS.—

(1) PERFORMANCE LEVELS.—The National Assessment Governing Board, established under section 412, shall develop appropriate student performance levels for each age and grade in each subject area to be tested under the National Assessment.

(2) DEVELOPMENT OF LEVELS.—(A) Such levels shall be—

(i) devised through a national consensus approach, providing for active participation of teachers, curriculum specialists, local school administrators, parents, and concerned members of the general public;

(ii) used on a developmental basis until the Commissioner determines, as the result of an evaluation under subsection (f), that such levels are reasonable, valid, and informative to the public; and

(iii) updated as appropriate.

(B) In using such levels on a developmental basis, the Commissioner and the Board shall ensure that reports that use such levels do so in a manner that makes clear the developmental status of such levels.

(3) REPORTING.—After determining that such levels are reasonable, valid, and informative to the public, as the result of an evaluation under subsection (f), the Commissioner shall use such levels or other methods or indicators for reporting results of the National Assessment and State assessments.

(f) REVIEW OF NATIONAL AND STATE ASSESSMENTS.—

(1) IN GENERAL.—(A) The Secretary shall provide for continuing review of the National Assessment, State assessments, and student performance levels, by one or more nationally recognized evaluation organizations, such as the National Academy of Education and the National Academy of Sciences.

(B) Such continuing review shall address—

(i) whether each developmental State assessment is properly administered, produces high quality data that are valid and reliable, and produces data on student achievement that are not otherwise available to the State (other than data comparing participating States to each other and the Nation); and

(ii) whether developmental student performance levels are reasonable, valid, and informative to the public.

(2) REPORT.—The Secretary shall report to the Congress, the President, and the Nation on the findings and recommendations of such reviews.

(3) USE OF FINDINGS AND RECOMMENDATIONS.—The Commissioner shall consider the findings and recommendations of such reviews in designing the competition to select the organization, or organizations, through which the Commissioner carries out the National Assessment.

(g) COVERAGE AGREEMENTS.—

(1) DEPARTMENT OF DEFENSE SCHOOLS.—The Secretary and the Secretary of Defense may enter into an agreement, including such terms as are mutually satisfactory, to include in the National Assessment elementary and secondary schools operated by the Department of Defense.

(2) BUREAU OF INDIAN AFFAIRS SCHOOLS.—The Secretary and the Secretary of the Interior may enter into an agreement, including such terms as are mutually satisfactory, to include in the National Assessment schools for Indian children operated or supported by the Bureau of Indian Affairs.

SEC. 412. NATIONAL ASSESSMENT GOVERNING BOARD.

(a) ESTABLISHMENT.—There is established the National Assessment Governing Board (hereafter in this title referred to as the "Board"), which shall formulate policy guidelines for the National Assessment.

(b) MEMBERSHIP.—

(1) APPOINTMENT AND COMPOSITION.—The Board shall be appointed by the Secretary and be composed of—

(A) two Governors, or former Governors, who shall not be members of the same political party;

(B) two State legislators, who shall not be members of the same political party;

(C) two chief State school officers;

(D) one superintendent of a local educational agency;

(E) one member of a State board of education;

(F) one member of a local board of education;

(G) three classroom teachers representing the grade levels at which the National Assessment is conducted;

(H) one representative of business or industry;

(I) two curriculum specialists;

(J) three testing and measurement experts, who shall have training and experience in the field of testing and measurement;

(K) one nonpublic school administrator or policymaker;

(L) two school principals, of whom one shall be an elementary school principal and one shall be a secondary school principal; and

(M) four additional members who are representatives of the general public, including parents.

(2) ASSISTANT SECRETARY FOR EDUCATIONAL RESEARCH.—The Assistant Secretary for Educational Research and Improvement shall serve as an ex officio, nonvoting member of the Board.

(3) SPECIAL RULE.—The Secretary and the Board shall ensure at all times that the membership of the Board reflects regional, racial, gender, and cultural balance and diversity and that the Board exercises its independent judgment, free from inappropriate influences and special interests.

(c) TERMS.—

(1) IN GENERAL.—Terms of service of members of the Board shall be staggered and may not exceed a period of 3 years, as determined by the Secretary.

(2) SERVICE LIMITATION.—Members of the Board may serve not more than two terms.

(3) CHANGE OF STATUS.—A member of the Board who changes status under subsection (b) during the term of the appointment of the member may continue to serve as a member until the expiration of such term.

(d) VACANCIES.—

(1) IN GENERAL.—(A) The Secretary shall appoint new members to fill vacancies on the Board from among individuals who are nominated by organizations representing the type of individuals described in subsection (b)(1) with respect to which the vacancy exists.

(B) Each organization submitting nominations to the Secretary with respect to a particular vacancy shall nominate for such vacancy six individuals who are qualified by experience or training to fill the particular Board vacancy.

(C) The Secretary's appointments shall maintain the composition, diversity, and balance of the Board required under subsection (b).

(2) ADDITIONAL NOMINATIONS.—The Secretary may request that each organization described in paragraph (1)(A) submit additional nominations if the Secretary determines that none of the individuals nominated by such organization have appropriate knowledge or expertise.

(e) DUTIES.—

(1) IN GENERAL.—In carrying out its functions under this section the Board shall—

(A) select subject areas to be assessed (consistent with section 411(b)(1));

(B) develop appropriate student performance levels as provided in section 411(e);

(C) develop assessment objectives and test specifications through a national consensus approach which includes the active participation of teachers, curriculum specialists, local school administrators, parents, and concerned members of the public;

(D) design the methodology of the assessment, in consultation with appropriate technical experts, including the Advisory Council established under section 407;

(E) develop guidelines for reporting and disseminating results;

(F) develop standards and procedures for interstate, regional, and national comparisons; and

(G) take appropriate actions needed to improve the form and use of the National Assessment.

(2) DELEGATION.—The Board may delegate any of the Board's procedural and administrative functions to its staff.

(3) COGNITIVE ITEMS.—The Board shall have final authority on the appropriateness of cognitive items.

(4) PROHIBITION AGAINST BIAS.—The Board shall take steps to ensure that all items selected for use in the National Assessment are free from racial, cultural, gender, or regional bias.

(5) TECHNICAL.—In carrying out the duties required by paragraph (1), the Board may seek technical advice, as appropriate, from the Commissioner and the Advisory Council on Education Statistics and other experts.

(6) REPORT.—Not later than 90 days after an evaluation of the student performance levels under section 411(e), the Board shall make a report to the Secretary, the Committee on Education and Labor of the House of Representatives, and the Committee on Labor and Human Resources of the Senate describing

the steps the Board is taking to respond to each of the recommendations contained in such evaluation.

(f) PERSONNEL.—

(1) IN GENERAL.—In the exercise of its responsibilities, the Board shall be independent of the Secretary and the other offices and officers of the Department.

(2) STAFF.—(A) The Secretary may appoint, at the request of the Board, such staff as will enable the Board to carry out its responsibilities.

(B) Such appointments may include, for terms not to exceed three years and without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, not more than six technical employees who may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(g) COORDINATION.—The Commissioner and the Board shall meet periodically—

(1) to ensure coordination of their duties and activities relating to the National Assessment; and

(2) for the Commissioner to report to the Board on the Department's actions to implement the decisions of the Board.

(h) ADMINISTRATION.—Only sections 10, 11, and 12 of the Federal Advisory Committee Act shall apply with respect to the Board.

SEC. 413. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated $65,000,000 for fiscal year 1995 and such sums as may be necessary for each of the four succeeding fiscal years to carry out this title (other than sections 411 and 412).

(b) NATIONAL ASSESSMENT.—There are authorized to be appropriated $35,000,000 for fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996 and 1997 to carry out section 411.

(c) GOVERNING BOARD.—There are authorized to be appropriated $3,000,000 for fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996 and 1997 to carry out section 412.

TITLE V—MISCELLANEOUS PROVISIONS

PART A—ALBERT EINSTEIN DISTINGUISHED EDUCATOR FELLOWSHIP ACT

SEC. 511. SHORT TITLE.

This part may be cited as the "Albert Einstein Distinguished Educator Fellowship Act of 1994".

SEC. 512. FINDINGS.

The Congress finds that—

(1) the Department of Energy has unique and extensive mathematics and science capabilities that contribute to mathematics and science education programs throughout the Nation;

(2) a need exists to increase understanding, communication, and cooperation between the Congress, the Department of Energy, other Federal agencies, and the mathematics and science education community;

(3) elementary and secondary school mathematics and science teachers can provide practical insight to the legislative and executive branches in establishing and operating education programs; and

(4) a pilot program that placed elementary and secondary school mathematics and science teachers in professional staff positions in the Senate and the House of Representatives has proven successful and demonstrated the value of expanding the program.

SEC. 513. PURPOSE; DESIGNATION.

(a) PURPOSE.—The purpose of this part is to establish within the Department of Energy a national fellowship program for elementary and secondary school mathematics and science teachers.

(b) DESIGNATION.—A recipient of a fellowship under this part shall be known as an "Albert Einstein Fellow".

SEC. 514. DEFINITIONS.

As used in this part—

(1) the term "elementary school" has the meaning provided by section 14101 of the Elementary and Secondary Education Act of 1965;

(2) the term "local educational agency" has the meaning provided by section 14101 of the Elementary and Secondary Education Act of 1965;

(3) the term "secondary school" has the meaning provided by section 14101 of the Elementary and Secondary Education Act of 1965; and

(4) the term "Secretary" means the Secretary of Energy.

SEC. 515. FELLOWSHIP PROGRAM.

(a) IN GENERAL.—

(1) ESTABLISHMENT.—The Secretary shall establish the Albert Einstein Distinguished Educator Fellowship Program (hereafter in this part referred to as the "Program") to provide 12 elementary or secondary school mathematics or science teachers with fellowships in each fiscal year in accordance with this part.

(2) ORDER OF PRIORITY.—The Secretary may reduce the number of fellowships awarded under this part for any fiscal year in which the amount appropriated for the Program is insufficient to support 12 fellowships. If the number of fellowships awarded under this part is reduced for any fiscal year, then the Secretary shall award fellowships based on the following order of priority:

- *(A) Three fellowships in the Department of Energy.*
- *(B) Two fellowships in the Senate.*
- *(C) Two fellowships in the House of Representatives.*
- *(D) One fellowship in each of the following entities:*
  - *(i) The Department of Education.*
  - *(ii) The National Institutes of Health.*
  - *(iii) The National Science Foundation.*

(iv) The National Aeronautics and Space Administration.

(v) The Office of Science and Technology Policy.

(3) TERMS OF FELLOWSHIPS.—Each fellowship awarded under this part shall be awarded for a period of ten months that, to the extent practicable, coincide with the academic year.

(4) ELIGIBILITY.—To be eligible for a fellowship under this part, an elementary or secondary school mathematics or science teacher must demonstrate—

(A) that such teacher would bring unique and valuable contributions to the Program;

(B) that such teacher is recognized for excellence in mathematics or science education; and

(C)(i) a sabbatical leave from teaching will be granted in order to participate in the Program; or

(ii) the teacher will return to a teaching position comparable to the position held prior to participating in the Program.

(b) ADMINISTRATION.—The Secretary shall—

(1) provide for the development and administration of an application and selection process for fellowships under the Program, including a process whereby final selections of fellowship recipients are made in accordance with subsection (c);

(2) provide for the publication of information on the Program in appropriate professional publications, including an invitation for applications from teachers listed in the directories of national and State recognition programs;

(3) select from the pool of applicants 12 elementary and secondary school mathematics teachers and 12 elementary and secondary school science teachers;

(4) develop a program of orientation for fellowship recipients under this part; and

(5) not later than August 31 of each year in which fellowships are awarded, prepare and submit an annual report and evaluation of the Program to the appropriate Committees of the Senate and the House of Representatives.

(c) SELECTION.—

(1) IN GENERAL.—The Secretary shall arrange for the 24 semifinalists to travel to Washington, D.C., to participate in interviews in accordance with the selection process described in paragraph (2).

(2) FINAL SELECTION.—(A) Not later than May 1 of each year preceding each year in which fellowships are to be awarded, the Secretary shall select and announce the names of the fellowship recipients.

(B) The Secretary shall provide for the development and administration of a process to select fellowship recipients from the pool of semifinalists as follows:

(i) The Secretary shall select three fellowship recipients who shall be assigned to the Department of Energy.

(ii) The Majority Leader of the Senate and the Minority Leader of the Senate, or their designees, shall each select a fellowship recipient who shall be assigned to the Senate.

(iii) The Speaker of the House of Representatives and the Minority Leader of the House of Representatives, or their designees, shall each select a fellowship recipient who shall be assigned to the House of Representatives.

(iv) Each of the following individuals, or their designees, shall select one fellowship recipient who shall be assigned within the department, office, agency, or institute such individual administers:

(I) The Secretary of Education.

(II) The Director of the National Institutes of Health.

(III) The Director of the National Science Foundation.

(IV) The Administrator of the National Aeronautics and Space Administration.

(V) The Director of the Office of Science and Technology Policy.

SEC. 516. FELLOWSHIP AWARDS.

(a) Fellowship Recipient Compensation.—Each recipient of a fellowship under this part shall be paid during the fellowship period at a rate of pay that shall not exceed the minimum annual rate payable for a position under GS–13 of the General Schedule.

(b) Local Educational Agency.—The Secretary shall seek to ensure that no local educational agency penalizes a teacher who elects to participate in the Program.

SEC. 517. WASTE MANAGEMENT EDUCATION RESEARCH CONSORTIUM (WERC).

(a) In General.—The Secretary is authorized to establish a partnership of Department of Energy laboratories, academic institutions, and private sector industries to conduct environmentally-related education programs, including programs involving environmentally conscious manufacturing and waste management activities that have undergraduate and graduate educational training as a component.

SEC. 518. AUTHORIZATION OF APPROPRIATIONS.

(a) There are authorized to be appropriated for the Program $700,000 for fiscal year 1995, and such sums as may be necessary for each of the four succeeding fiscal years.

(b) WERC Program.—There are authorized to be appropriated for the WERC program under section 517 such sums as may be necessary for fiscal year 1995 and each of the four succeeding fiscal years.

PART B—COMMUNITY SCHOOL PARTNERSHIPS

SEC. 521. SHORT TITLE.

This part may be cited as the "Community School Partnership Act".

SEC. 522. FINDINGS.

The Congress finds that—

(1) the local community, when properly organized and challenged, is one of the best sources of academic support, motivation toward achievement, and financial resources for aspiring postsecondary students;

(2) local communities, working to complement or augment services currently being offered by area schools and colleges, can raise the educational expectations and increase the rate of postsecondary attendance of their youth by forming locally based organizations that provide both academic support (including guidance, counseling, mentoring, tutoring, encouragement, and recognition) and tangible, locally raised, effectively targeted, publicly recognized financial assistance;

(3) proven methods of stimulating these community efforts can be promoted through Federal support for the establishment of area program centers to organize and challenge community efforts to develop educational incentives and support for local students; and

(4) using Federal funds to leverage private contributions to help students from low-income families attain educational and career goals is an efficient and effective investment of scarce taxpayer-provided resources.

SEC. 523. DEFINITIONS.

As used in this part:

(1) AREA PROGRAM CENTER.—The term "area program center" means an organization that—

(A) is part of, responsible to, and overseen by, the national organization; and

(B) is staffed by professionals trained to create, develop, and sustain local affiliated chapters in towns, cities, and neighborhoods.

(2) LOCAL AFFILIATED CHAPTER.—The term "local affiliated chapter" means an organization that—

(A) is a nonprofit organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986, and exempt from taxation under section 501(a) of such Code (or shall meet this criteria through affiliation with the national organization described in paragraph (3));

(B) is formed for the purpose of providing educational scholarships and academic support for residents of the local community served by such organization;

(C) solicits broad-based community support in its academic support and fund-raising activities;

(D) is broadly representative of the local community in the structures of its volunteer-operated organization and has a board of directors that includes leaders from local neighborhood organizations and neighborhood residents, such as school or college personnel, parents, students, community agency representatives, and representatives of the business community;

(E) awards scholarships without regard to age, sex, marital status, race, creed, color, religion, national origin or disability; and

(F) gives priority in awarding scholarships to students from low-income families in the local community.

(3) NATIONAL ORGANIZATION.—The term "national organization" means an organization that—

(A) has the capacity to create, develop and sustain local affiliated chapters;

(B) has the capacity to sustain newly created local affiliated chapters in towns, cities, and neighborhoods through ongoing training and support programs;

(C) is described in section 501(c)(3) of the Internal Revenue Code of 1986, and exempt from taxation under section 501(a) of such Code;

(D) is a publicly supported organization within the meaning of section 170(b)(1)(A)(vi) of such Code;

(E) ensures that each of its local affiliated chapters meet the criteria described in subparagraphs (C) and (D); and

(F) has a program for or experience in cooperating with secondary and postsecondary institutions in carrying out its scholarship and academic support activities.

(4) HIGH-POVERTY AREA.—The term "high-poverty area" means a community with a higher percentage of children in poverty than the national average of such percentage.

(5) STUDENTS FROM LOW-INCOME FAMILIES.—The term "students from low-income families" means students determined, pursuant to part F of title IV of the Higher Education Act of 1965, to be eligible for a Federal Pell Grant under subpart 1 of part A of title IV of such Act.

SEC. 524. PURPOSE; ENDOWMENT GRANT AUTHORITY.

(a) PURPOSE.—It is the purpose of this part to establish and support area program centers to enable such centers to foster the development of local affiliated chapters in high-poverty areas that promote higher education goals for students from low-income families by—

(1) providing academic support, including guidance, counseling, mentoring, tutoring, and recognition; and

(2) providing scholarship assistance for the pursuit of postsecondary education.

(b) ENDOWMENT GRANT AUTHORITY.—From the funds appropriated pursuant to the authority of section 527, the Secretary shall award an endowment grant, on a competitive basis, to a national organization to enable such organization to support the establishment or ongoing work of area program centers that foster the development of local affiliated chapters in high-poverty areas to improve high school graduation rates and postsecondary attendance through the provision of academic support services and scholarship assistance for the pursuit of postsecondary education.

SEC. 525. GRANT AGREEMENT AND REQUIREMENTS.

(a) IN GENERAL.—The Secretary shall award the endowment grant described in section 524(b) pursuant to an agreement between the Secretary and the national organization. Such agreement shall—

(1) require the national organization to establish an endowment fund in the amount of the grant, the corpus of which shall

remain intact and the interest income from which shall be used to support the activities described in paragraphs (2) and (3);

(2) require the national organization to use 25 percent of the interest income from the endowment fund in any fiscal year to provide scholarships for students from low-income families, which scholarships shall be matched on a dollar-for-dollar basis from funds raised by local affiliated chapters;

(3) require the national organization to use 75 percent of the interest income from the endowment fund in any fiscal year to support the establishment or ongoing work of area program centers to enable such centers to work with local communities to establish local affiliated chapters in high-poverty areas and provide ongoing technical assistance, training workshops, and other activities to help ensure the ongoing success of the local affiliated chapters;

(4) require the area program centers supported by the national organization to give priority to establishing local affiliated chapters that serve high-poverty areas;

(5) require the national organization to submit, in each fiscal year in which such organization uses the interest from the endowment fund, a report to the Secretary that contains—

(A) a description of the programs and activities supported by the interest on the endowment fund;

(B) the audited financial statement of the national organization for the preceding fiscal year;

(C) a plan for the programs and activities to be supported from the interest on the endowment fund during the five succeeding fiscal years;

(D) an evaluation of the programs and activities supported by the interest on the endowment fund as the Secretary may require; and

(E) data indicating the number of students from low-income families who received scholarships from local affiliated chapters, and the amounts of such scholarships;

(6) contain such assurances as the Secretary may require with respect to the management and operation of the endowment fund;

(7) require that, in order to continue using the interest from the endowment fund, the national organization will meet the continuing eligibility requirements described in section 526; and

(8) contain an assurance that if the Secretary determines that such organization is not in substantial compliance with the provisions of this part, then the national organization shall pay to the Secretary an amount equal to the corpus of the endowment fund plus any accrued interest on such fund that is available to the national organization on the date of such determination.

(b) RETURNED FUNDS.—All funds returned to the Secretary pursuant to subsection (a)(8) shall be available to the Secretary to carry out any scholarship or grant program assisted under title IV of the Higher Education Act of 1965.

SEC. 526. CONTINUING ELIGIBILITY.

The national organization shall be eligible to continue to use the interest from the endowment fund in accordance with the provisions of this part in the third and each such succeeding fiscal year in which such organization uses such interest only if the local affiliated chapters associated with all area program centers supported under this part distribute to students from low-income families 80 percent of the total amount of funds raised by all such chapters in such year.

SEC. 527. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $10,000,000 for fiscal year 1996 to carry out this part.

PART C—1994 INSTITUTIONS

SEC. 531. SHORT TITLE.

This part may be cited as the "Equity in Educational Land-Grant Status Act of 1994".

SEC. 532. DEFINITION.

As used in this part, the term "1994 Institutions" means any one of the following colleges:

(1) Bay Mills Community College.
(2) Blackfeet Community College.
(3) Cheyenne River Community College.
(4) D-Q University.
(5) Dullknife Memorial College.
(6) Fond Du Lac Community College.
(7) Fort Belknap Community College.
(8) Fort Berthold Community College.
(9) Fort Peck Community College.
(10) LacCourte Orielles Ojibwa Community College.
(11) Little Big Horn Community College.
(12) Little Hoop Community College.
(13) Nebraska Indian Community College.
(14) Northwest Indian College.
(15) Oglala Lakota College.
(16) Salish Kootenai College.
(17) Sinte Gleska University.
(18) Sisseton Wahpeton Community College.
(19) Standing Rock College.
(20) Stonechild Community College.
(21) Turtle Mountain Community College.
(22) Navajo Community College.
(23) United Tribes Technical College.
(24) Southwest Indian Polytechnic Institute.
(25) Institute of American Indian and Alaska Native Culture and Arts Development.
(26) Crownpoint Institute of Technology.
(27) Haskell Indian Junior College.
(28) Leech Lake Tribal College.
(29) College of the Menominee Nation.

SEC. 533. LAND-GRANT STATUS FOR 1994 INSTITUTIONS.

(a) IN GENERAL.—

(1) STATUS OF 1994 INSTITUTIONS.—Except as provided in paragraph (2), 1994 Institutions shall be considered land-grant colleges established for the benefit of agriculture and the mechanic arts in accordance with the provisions of the Act of July 2, 1862 (12 Stat. 503; 7 U.S.C. 301 et seq.) (commonly known as the First Morrill Act).

(2) 1994 INSTITUTIONS.—(A) 1994 Institutions shall not be considered as land-grant colleges that are eligible to receive funding under—

(i) the Act of March 2, 1887 (24 Stat. 440, chapter 314; 7 U.S.C. 361a et seq.);

(ii) the Act of May 8, 1914 (38 Stat. 373, chapter 79; 7 U.S.C. 343), except as provided under section 3(b)(3) of such Act (as added by section 534(b)(1) of this part); or

(iii) the Act of August 30, 1890 (26 Stat. 417, chapter 841; 7 U.S.C. 321 et seq.) (commonly known as the Second Morrill Act.)

(B) In lieu of receiving donations under the provisions of the Act of July 2, 1862 (12 Stat. 503; 7 U.S.C. 301 et seq.) (commonly known as the First Morrill Act), relating to the donations of public land or scrip for the endowment and maintenance of colleges for the benefit of agriculture and the mechanic arts, 1994 Institutions shall receive funding pursuant to the authorization under subsection (b).

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $4,600,000 for each of fiscal years 1996 through 2000. Amounts appropriated pursuant to this section shall be held and considered to have been granted to 1994 Institutions to establish an endowment pursuant to subsection (c).

(c) ENDOWMENT.—

(1) IN GENERAL.—In accordance with this subsection, the Secretary of the Treasury shall establish a 1994 Institutions Endowment Fund (hereafter in this subsection referred to as the "endowment fund"). The Secretary may enter into such agreements as are necessary to carry out this subsection.

(2) DEPOSIT TO THE ENDOWMENT FUND.—The Secretary shall deposit in the endowment fund any—

(A) amounts made available by appropriations pursuant to subsection (b) (hereafter in this subsection referred to as the "endowment fund corpus"); and

(B) interest earned on the endowment fund corpus.

(3) INVESTMENTS.—The Secretary shall invest the endowment fund corpus and income in interest-bearing obligations of the United States.

(4) WITHDRAWALS AND EXPENDITURES.—The Secretary may not make a withdrawal or expenditure from the endowment fund corpus. On the termination of each fiscal year, the Secretary shall withdraw the amount of the income from the endowment fund for the fiscal year, and after making adjustments for the cost of administering the endowment fund, distribute the adjusted income as follows:

(A) 60 percent of the adjusted income shall be distributed among the 1994 Institutions on a pro rata basis. The proportionate share of the adjusted income received by a

1994 Institution under this subparagraph shall be based on the Indian student count (as defined in section 390(3) of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2397h(3)) for each 1994 Institution for the fiscal year.

(B) 40 percent of the adjusted income shall be distributed in equal shares to the 1994 Institutions.

SEC. 534. APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—For fiscal year 1996, and for each fiscal year thereafter, there are authorized to be appropriated to the Department of the Treasury an amount equal to—

(A) $50,000; multiplied by

(B) the number of 1994 Institutions.

(2) PAYMENTS.—For each fiscal year, the Secretary of the Treasury shall pay to the treasurer of each 1994 Institution an amount equal to—

(A) the total amount made available by appropriations pursuant to paragraph (1); divided by

(B) the number of 1994 Institutions.

(3) USE OF FUNDS; REQUIREMENTS.—The amounts authorized to be appropriated under this subsection shall be used in the same manner as is prescribed for colleges under the Act of August 30, 1890 (26 Stat. 417, chapter 841; 7 U.S.C. 321 et seq.) (commonly known as the Second Morrill Act), and, except as otherwise provided in this subsection, the requirements of such Act shall apply to 1994 Institutions.

(b) FUNDING.—Section 3 of the Act of May 8, 1914 (38 Stat. 373, chapter 79; 7 U.S.C. 343) is amended—

(1) in subsection (b), by adding at the end the following new paragraph:

"(3) There are authorized to be appropriated for the fiscal year ending June 30, 1996, and for each fiscal year thereafter, for payment on behalf of the 1994 Institutions (as defined in section 532 of the Equity in Educational Land-Grant Status Act of 1994), $5,000,000 for the purposes set forth in section 2. Such sums shall be in addition to the sums appropriated for the several States and Puerto Rico, the Virgin Islands, and Guam under the provisions of this section. Such sums shall be distributed on the basis of a competitive application process to be developed and implemented by the Secretary and paid by the Secretary to State institutions established in accordance with the provisions of the Act of July 2, 1862 (12 Stat. 503, chapter 130; 7 U.S.C. 301 et seq.) (commonly known as the First Morrill Act) (other than 1994 Institutions) and administered by such institutions through cooperative agreements with 1994 Institutions in the States of the 1994 Institutions in accordance with regulations that the Secretary shall adopt.";

(2) by redesignating subsection (f) as subsection (g); and

(3) by inserting after subsection (e) the following new subsection:

"(f) There shall be no matching requirement for funds made available pursuant to subsection (b)(3).".

SEC. 535. INSTITUTIONAL CAPACITY BUILDING GRANTS.

(a) DEFINITIONS.—As used in this section:

(1) FEDERAL SHARE.—The term "Federal share" means, with respect to a grant awarded under subsection (b), the share of the grant that is provided from Federal funds.

(2) NON-FEDERAL SHARE.—The term "non-Federal share" means, with respect to a grant awarded under subsection (b), the matching funds paid with funds other than funds referred to in paragraph (1), as determined by the Secretary.

(3) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(b) IN GENERAL.—

(1) INSTITUTIONAL CAPACITY BUILDING GRANTS.—For each of fiscal years 1996 through 2000, the Secretary shall make two or more institutional capacity building grants to assist 1994 Institutions with constructing, acquiring, and remodeling buildings, laboratories, and other capital facilities (including fixtures and equipment) necessary to conduct instructional activities more effectively in agriculture and sciences.

(2) REQUIREMENTS FOR GRANTS.—The Secretary shall make grants under this section—

(A) on the basis of a competitive application process under which appropriate officials of 1994 Institutions may submit applications to the Secretary in such form and manner as the Secretary may prescribe; and

(B) in such manner as to ensure geographic diversity with respect to the 1994 Institutions that are the subject of the grants.

(3) DEMONSTRATION OF NEED.—The Secretary shall require, as part of an application for a grant under this subsection, a demonstration of need. The Secretary may only award a grant under this subsection to an applicant that demonstrates a failure to obtain funding for a project after making a reasonable effort to otherwise obtain the funding.

(4) PAYMENT OF NON-FEDERAL SHARE.—A grant awarded under this subsection shall be made only if the recipient of the grant pays a non-Federal share in an amount specified by the Secretary.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Agriculture to carry out this section, $1,700,000 for each of fiscal years 1996 through 2000.

PART D—WORKERS TECHNOLOGY SKILL DEVELOPMENT

SEC. 541. SHORT TITLE.

This part may be cited as the "Workers Technology Skill Development Act".

SEC. 542. FINDINGS.

The Congress finds and declares the following:

(1) In an increasingly competitive world economy, the companies and nations that lead in the rapid development, commercialization, and application of new and advanced technologies, and in the high-quality, competitively priced production of goods and services, will lead in economic growth, employment, and high living standards.

(2) While the United States remains the world leader in science and invention, it has not done well in rapidly making the transition from achievement in its research laboratories to high-quality, competitively priced production of goods and services. This lag and the unprecedented competitive challenge that the United States has faced from abroad have contributed to a drop in real wages and living standards.

(3) Companies that are successfully competitive in the rapid development, commercialization, application, and implementation of advanced technologies, and in the successful delivery of goods and services, recognize that worker participation and labor-management cooperation in the deployment, application, and implementation of advanced workplace technologies make an important contribution to high-quality, competitively priced production of goods and services and in maintaining and improving real wages for workers.

(4) The Federal Government has an important role in encouraging and augmenting private sector efforts relating to the development, application, manufacture, and deployment of new and advanced technologies. The role should be to—

(A) work with private companies, States, worker organizations, nonprofit organizations, and institutions of higher education to ensure the development, application, production, and implementation of new and advanced technologies to promote the improvement of workers' skills, wages, job security, and working conditions, and a healthy environment;

(B) encourage worker and worker organization participation in the development, commercialization, evaluation, selection, application, and implementation of new and advanced technologies in the workplace; and

(C) promote the use and integration of new and advanced technologies in the workplace that enhance workers' skills.

(5) In working with the private sector to promote the technological leadership and economic growth of the United States, the Federal Government has a responsibility to ensure that Federal technology programs help the United States to remain competitive and to maintain and improve living standards and to create and retain secure jobs in economically stable communities.

SEC. 543. PURPOSES.

The purposes of this part are to—

(1) improve the ability of workers and worker organizations to recognize, develop, assess, and improve strategies for successfully integrating workers and worker organizations into the process of evaluating, selecting, and implementing advanced workplace technologies, and advanced workplace practices in a

manner that creates and maintains stable well-paying jobs for workers; and

(2) assist workers and worker organizations in developing the expertise necessary for effective participation with employers in the development of strategies and programs for the successful evaluation, selection, and implementation of advanced workplace technologies and advanced workplace practices through the provision of a range of education, training, and related services.

SEC. 544. DEFINITIONS.

As used in this part:

(1) ADVANCED WORKPLACE PRACTICES.—The term "advanced workplace practices" means innovations in work organization and performance, including high-performance workplace systems, flexible production techniques, quality programs, continuous improvement, concurrent engineering, close relationships between suppliers and customers, widely diffused decisionmaking and work teams, and effective integration of production technology, worker skills and training, and workplace organization, and such other characteristics as determined appropriate by the Secretary of Labor, in consultation with the Secretary of Commerce.

(2) ADVANCED WORKPLACE TECHNOLOGIES.—The term "advanced workplace technologies" includes—

(A) numerically controlled machine tools, robots, automated process control equipment, computerized flexible manufacturing systems, associated computer software, and other technology for improving the manufacturing and industrial production of goods and commercial services, which advance the state-of-the-art; or

(B) novel industrial and commercial techniques and processes not previously generally available that improve quality, productivity, and practices, including engineering design, quality assurance, concurrent engineering, continuous process production technology, inventory management, upgraded worker skills, communications with customers and suppliers, and promotion of sustainable economic growth.

(3) DEPARTMENT.—The term "Department" means the Department of Labor.

(4) NONPROFIT ORGANIZATION.—The term "nonprofit organization" means a tax-exempt organization, as described in paragraph (3), (4), or (5) of section 501(c) of the Internal Revenue Code of 1986.

(5) SECRETARY.—The term "Secretary" means the Secretary of Labor.

(6) WORKER ORGANIZATION.—The term "worker organization" means a labor organization within the meaning of section 501(c)(5) of the Internal Revenue Code of 1986.

SEC. 545. GRANTS.

(a) IN GENERAL.—The Secretary of Labor, after consultation with the Secretary of Commerce, shall, to the extent appropriations

are available, award grants to eligible entities to carry out the purposes described in section 543.

(b) ELIGIBILITY.—To be eligible to receive a grant under this section, an entity shall—

(1) be a nonprofit organization, or a partnership consortium of such organizations;

(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including a description of the activities that the entity will carry out using amounts received under the grant; and

(3) agree to make available (directly or through donations from public or private entities) non-Federal contributions toward the costs of the activities to be conducted with grant funds, in an amount equal to the amount required under subsection (d).

(c) USE OF AMOUNTS.—An entity shall use amounts received under a grant awarded under this section to carry out the purposes described in section 543 through activities such as—

(1) the provision of technical assistance to workers, worker organizations, employers, State economic development agencies, State industrial extension programs, Advanced Technology Centers, and National Manufacturing Technology Centers to identify advanced workplace practices and strategies that enhance the effective evaluation, selection, and implementation of advanced workplace technologies;

(2) the researching and identification of new and advanced workplace technologies, and advanced workplace practices that promote the improvement of workers' skills, wages, working conditions, and job security, that research the link between advanced workplace practices and long-term corporate performance, and which are consistent with the needs of local communities and the need for a healthy environment; and

(3) the development and dissemination of training programs and materials to be used for and by workers, worker organizations, employers, State economic development agencies, State industrial extension programs, Advanced Technology Centers, and National Manufacturing Technology Centers relating to the activities and services provided pursuant to paragraphs (1) and (2), and regarding successful practices including practices which address labor-management cooperation and the involvement of workers in the design, development, and implementation of workplace practices and technologies.

(d) TERMS OF GRANTS AND NON-FEDERAL SHARES.—

(1) TERMS.—Grants awarded under this section shall be for a term not to exceed six years.

(2) NON-FEDERAL SHARE.—Amounts required to be contributed by an entity under subsection (b)(3) shall equal—

(A) an amount equal to 15 percent of the amount provided under the grant in the first year for which the grant is awarded;

(B) an amount equal to 20 percent of the amount provided under the grant in the second year for which the grant is awarded;

(C) an amount equal to 33 percent of the amount provided under the grant in the third year for which the grant is awarded;

(D) an amount equal to 40 percent of the amount provided under the grant in the fourth year for which the grant is awarded; and

(E) an amount equal to 50 percent of the amount provided under the grant in the fifth and sixth years for which the grant is awarded.

(e) EVALUATION.—The Department shall develop mechanisms for evaluating the effectiveness of the use of a grant awarded under this section in carrying out the purposes under section 543 and, not later than two years after the date of enactment of this Act, and every two years thereafter, prepare and submit a report to Congress concerning such evaluation.

SEC. 546. IDENTIFICATION AND DISSEMINATION OF BEST PRACTICES.

(a) IN GENERAL.—

(1) INFORMATION.—The Secretary, in cooperation and after consultation with the Secretary of Commerce, shall assist workers, worker organizations, and employers in successfully adopting advanced workplace technologies, and advanced workplace practices by identifying, collecting, and disseminating information on best workplace practices and workplace assessment tools, including—

(A) methods, techniques, and successful models of labor-management cooperation and of worker and worker organization participation in the development, evaluation, selection, and implementation of new and advanced workplace technologies, and advanced workplace practices;

(B) methods, techniques, and successful models for the design and implementation of new and advanced workplace practices;

(C) methods, techniques, and successful models for the design and implementation of advanced forms of work organization; and

(D) methods, techniques, and successful models for the assessment of worker skills and training needs relating to the effective development, evaluation, selection, and implementation of advanced workplace technologies, and advanced workplace practices.

(2) CONTENTS.—Such information on best workplace practices shall include—

(A) summaries and analyses of best practice cases;

(B) criteria for assessment of current workplace practices; and

(C) information on the best available education and training materials and services relating to the development, implementation, and operation of systems utilizing new and advanced workplace technologies, and advanced workplace practices.

(b) DISTRIBUTION.—The information and materials developed under this section shall be distributed through an appropriate entity designated by the Secretary of Commerce to the Regional Centers for the Transfer of Manufacturing Technology, to the Manufacturing

Outreach Center, to other technology training entities, and directly to others as determined appropriate by the Secretary of Labor and the Secretary of Commerce.

SEC. 547. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—There are authorized to be appropriated to carry out this part such sums as may be necessary for each of the fiscal years 1995 through 1997.

(b) Availability.—Amounts appropriated under subsection (a) shall remain available until expended.

PART E—MULTIETHNIC PLACEMENT

Subpart 1—Multiethnic Placement

SEC. 551. SHORT TITLE.

This subpart may be cited as the "Howard M. Metzenbaum Multiethnic Placement Act of 1994".

SEC. 552. FINDINGS AND PURPOSE.

(a) Findings.—The Congress finds that—

(1) nearly 500,000 children are in foster care in the United States;

(2) tens of thousands of children in foster care are waiting for adoption;

(3) 2 years and 8 months is the median length of time that children wait to be adopted;

(4) child welfare agencies should work to eliminate racial, ethnic, and national origin discrimination and bias in adoption and foster care recruitment, selection, and placement procedures; and

(5) active, creative, and diligent efforts are needed to recruit foster and adoptive parents of every race, ethnicity, and culture in order to facilitate the placement of children in foster and adoptive homes which will best meet each child's needs.

(b) Purpose.—It is the purpose of this subpart to promote the best interests of children by—

(1) decreasing the length of time that children wait to be adopted;

(2) preventing discrimination in the placement of children on the basis of race, color, or national origin; and

(3) facilitating the identification and recruitment of foster and adoptive families that can meet children's needs.

SEC. 553. MULTIETHNIC PLACEMENTS.

(a) Activities.—

(1) Prohibition.—An agency, or entity, that receives Federal assistance and is involved in adoption or foster care placements may not—

(A) categorically deny to any person the opportunity to become an adoptive or a foster parent, solely on the basis of the race, color, or national origin of the adoptive or foster parent, or the child, involved; or

(B) delay or deny the placement of a child for adoption or into foster care, or otherwise discriminate in making a

placement decision, solely on the basis of the race, color, or national origin of the adoptive or foster parent, or the child, involved.

(2) PERMISSIBLE CONSIDERATION.—An agency or entity to which paragraph (1) applies may consider the cultural, ethnic, or racial background of the child and the capacity of the prospective foster or adoptive parents to meet the needs of a child of this background as one of a number of factors used to determine the best interests of a child.

(3) DEFINITION.—As used in this subsection, the term "placement decision" means the decision to place, or to delay or deny the placement of, a child in a foster care or an adoptive home, and includes the decision of the agency or entity involved to seek the termination of birth parent rights or otherwise make a child legally available for adoptive placement.

(b) EQUITABLE RELIEF.—Any individual who is aggrieved by an action in violation of subsection (a), taken by an agency or entity described in subsection (a), shall have the right to bring an action seeking relief in a United States district court of appropriate jurisdiction.

(c) FEDERAL GUIDANCE.—Not later than 6 months after the date of the enactment of this Act, the Secretary of Health and Human Services shall publish guidance to concerned public and private agencies and entities with respect to compliance with this subpart.

(d) DEADLINE FOR COMPLIANCE.—

(1) IN GENERAL.—Except as provided in paragraph (2), an agency or entity that receives Federal assistance and is involved with adoption or foster care placements shall comply with this subpart not later than six months after publication of the guidance referred to in subsection (c), or one year after the date of enactment of this Act, whichever occurs first.

(2) AUTHORITY TO EXTEND DEADLINE.—If a State demonstrates to the satisfaction of the Secretary that it is necessary to amend State statutory law in order to change a particular practice that is inconsistent with this subpart, the Secretary may extend the compliance date for the State a reasonable number of days after the close of the first State legislative session beginning after the date the guidance referred to in subsection (c) is published.

(e) NONCOMPLIANCE DEEMED A CIVIL RIGHTS VIOLATION.—Noncompliance with this subpart is deemed a violation of title VI of the Civil Rights Act of 1964.

(f) NO EFFECT ON INDIAN CHILD WELFARE ACT OF 1978.—Nothing in this section shall be construed to affect the application of the Indian Child Welfare Act of 1978 (25 U.S.C. 1901 et seq.).

SEC. 554. REQUIRED RECRUITMENT EFFORTS FOR CHILD WELFARE SERVICES PROGRAMS.

Section 422(b) of the Social Security Act (42 U.S.C. 622(b)) is amended—

(1) by striking "and" at the end of paragraph (7);

(2) by striking the period at the end of paragraph (8) and inserting "; and"; and

(3) by adding at the end the following:

"(9) provide for the diligent recruitment of potential foster and adoptive families that reflect the ethnic and racial diversity of children in the State for whom foster and adoptive homes are needed.".

Subpart 2—Other Provision

SEC. 555. EFFECT OF FAILURE TO CARRY OUT STATE PLAN.

(a) IN GENERAL.—Part A of title XI of the Social Security Act (42 U.S.C. 1301–1320b–13) is amended by inserting after section 1122 the following:

"SEC. 1123. EFFECT OF FAILURE TO CARRY OUT STATE PLAN.

"In an action brought to enforce a provision of the Social Security Act, such provision is not to be deemed unenforceable because of its inclusion in a section of the Act requiring a State plan or specifying the required contents of a State plan. This section is not intended to limit or expand the grounds for determining the availability of private actions to enforce State plan requirements other than by overturning any such grounds applied in Suter v. Artist M., 112 S. Ct. 1360 (1992), but not applied in prior Supreme Court decisions respecting such enforceability; provided, however, that this section is not intended to alter the holding in Suter v. Artist M. that section 471(a)(15) of the Act is not enforceable in a private right of action.

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply to actions pending on the date of the enactment of this Act and to actions brought on or after such date of enactment.

PART F—MISCELLANEOUS

SEC. 561. BUDGET COMPLIANCE.

Any authority or requirement to make funds available under this Act shall be effective only to the extent provided in appropriations Acts.

SEC. 562. DOCUMENTS TRANSMITTED TO CONGRESS.

In documents transmitted to Congress explaining the President's budget request for the Special Education account, the Department of Education shall display amounts included in the request to reflect the incorporation of the program for children with disabilities under part D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (as such part was in effect on the day preceding the date of enactment of the Improving America's Schools Act of 1994).

SEC. 563. VOCATIONAL EDUCATION REGULATIONS.

(a) IN GENERAL.—Notwithstanding any other provision of law, beginning on the date of enactment of this Act, and ending on the date of enactment of an Act reauthorizing the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.) the Department of Education's interpretation of the Carl D. Perkins Vocational and Applied Technology Act relating to—

(1) the access or participation of members of special populations in vocational education, including the provision of supplementary services and the cost of such services; and

(2) the conduct of local evaluations, that are contained in the final regulations published in the Federal Register on August 14, 1992, shall remain in effect.

(b) Special Rule.—The Secretary of Education may not issue additional regulations concerning the final regulations described in subsection (a)(2).

SEC. 564. RATE OF PAY FOR THE DEPUTY DIRECTOR OF THE NATIONAL INSTITUTE ON DISABILITY AND REHABILITATION RESEARCH.

Notwithstanding section 202(c)(2) of the Rehabilitation Act of 1973 (29 U.S.C. 761a(c)(2)), the Secretary of Education is authorized to compensate any individual appointed during calendar year 1994 to be the Deputy Director of the National Institute on Disability and Rehabilitation Research at the rate of basic pay for a position at ES–5 of the Senior Executive Service Schedule.

SEC. 565. STUDY.

The Secretary of the Interior shall conduct a study, in consultation with the board of regents of the Haskell Indian Junior College to evaluate the possible need for alternative institutional and administrative systems at Haskell Indian Junior College to support the transition of such college to a four year university. If the study's conclusions require legislation to be implemented, the study shall be accompanied by appropriate draft legislation. Such study shall be transmitted to the Committee on Indian Affairs of the Senate and the Committee on Education and Labor of the House of Representatives by June 1, 1995.

SEC. 566. THERAPEUTIC MODEL DEMONSTRATION SCHOOLS.

(a) Authorization.—

(1) In general.—The Secretary of the Interior, acting through the Bureau of Indian Affairs, is authorized to establish demonstration schools, based on the therapeutic model described in this section, to provide services necessary to achieve positive changes in the attitudes, behavior, and academic performance of Indian youth attending off-reservation boarding schools.

(2) Purpose.—The purpose of the therapeutic model demonstration schools is—

(A) to provide a program, based on an annual written plan, linking clinicians, counselors, and mental health professionals with academic program personnel in a culturally sensitive residential program tailored to the particular needs of Indian students;

(B) to provide for a continued evaluation of the planning and implementation of the therapeutic model in the designated schools; and

(C) to determine what steps the Bureau of Indian Affairs must take and what resources are required to transform existing off-reservation boarding schools to meet the

needs of chemically dependent, emotionally disturbed, socially troubled, or other at-risk Indian youth who attend such schools.

(b) LOCATION.—The Secretary shall initiate the therapeutic model at two schools during school years 1994 through 1996, and shall give priority to—

(1) one school that is the recipient of a grant under section 5204 of the August F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 during the 1994–1995 school year; and

(2) one school operated by the Bureau of Indian Affairs during the 1995–1996 school year.

(c) SERVICES.—The demonstration schools shall provide an integrated residential environment that may include—

(1) mental health services;
(2) education;
(3) recreation therapy;
(4) social service programs;
(5) substance abuse education and prevention; and
(6) other support services for aftercare.

(d) STAFFING.—The demonstration schools shall be staffed with health and social service professionals, and educators, and may include—

(1) clinical psychologists;
(2) child psychologists;
(3) substance abuse counselors;
(4) social workers; and
(5) health educators.

(e) ENROLLMENT.—Notwithstanding any other provision of law, the Secretary of the Interior may limit the enrollment at the demonstration schools.

(f) ASSISTANCE.—The Secretary is authorized to enter into agreements with other organizations and agencies, including the Indian Health Service, to carry out this section.

(g) REPORT.—Not later than July 31 of each year, the Secretary of the Interior shall submit a report to the Committee on Indian Affairs of the Senate and the Committee on Education and Labor of the House of Representatives on the progress of the Department of the Interior in the development of the demonstration schools.

SEC. 567. IMPACT AID WAIVER.

In carrying out section 14(c) of the Act of September 23, 1950 (Public Law 815, 81st Congress) (20 U.S.C. 644(c)) the Secretary shall waive any amount of local effort in excess of $200,000 that would otherwise be required under paragraphs (3) and (4) of such section and any regulations issued thereunder, in awarding funds to the Winona R-III School District, Missouri, with respect to its application #MO-86-C-3601A36.

SEC. 568. APPLICATION OF THE ANTITRUST LAWS TO AWARD OF NEED-BASED EDUCATIONAL AID.

(a) TEMPORARY EXEMPTION.—It shall not be unlawful under the antitrust laws for 2 or more institutions of higher education at which all students admitted are admitted on a need-blind basis, to agree or attempt to agree—

(1) to award such students financial aid only on the basis of demonstrated financial need for such aid;

(2) to use common principles of analysis for determining the need of such students for financial aid if the agreement to use such principles does not restrict financial aid officers at such institutions in their exercising independent professional judgment with respect to individual applicants for such financial aid;

(3) to use a common aid application form for need-based financial aid for such students if the agreement to use such form does not restrict such institutions in their requesting from such students, or in their using, data in addition to the data requested on such form; or

(4) to exchange through an independent third party, before awarding need-based financial aid to any of such students who is commonly admitted to the institutions of higher education involved, data with respect to the student so admitted and the student's family relating to assets, income, expenses, the number of family members, and the number of the student's siblings in college, if each of such institutions is permitted to retrieve such data only once with respect to the student.

(b) LIMITATIONS.—Subsection (a) shall not apply with respect to—

(1) any financial aid or assistance authorized by the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.); or

(2) any contract, combination, or conspiracy with respect to the amount or terms of any prospective financial aid award to a specific individual.

(c) DEFINITIONS.—For purposes of this section—

(1) the term "alien" has the meaning given such term in section 101(3) of the Immigration and Nationality Act (8 U.S.C. 1101(3));

(2) the term "antitrust laws" has the meaning given such term in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12(a)), except that such term includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent such section applies to unfair methods of competition;

(3) the term "institution of higher education" has the meaning given such term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a));

(4) the term "lawfully admitted for permanent residence" has the meaning given such term in section 101(20) of the Immigration and Nationality Act (8 U.S.C. 1101(20));

(5) the term "national of the United States" has the meaning given such term in section 101(22) of the Immigration and Nationality Act (8 U.S.C. 1101(22));

(6) the term "on a need-blind basis" means without regard to the financial circumstances of the student involved or the student's family; and

(7) the term "student" means, with respect to an institution of higher education, a national of the United States or an alien admitted for permanent residence who is admitted to attend an undergraduate program at such institution on a full-time basis.

(d) Expiration.—Subsection (a) shall expire on September 30, 1997.

(e) Related Amendments.—The Higher Education Amendments of 1992 (Public Law 102–325) is amended—

(1) in the table of contents by striking the matter relating to section 1544, and part F of title XV, of such Act; and

(2) by striking part F of title XV of such Act.

SEC. 569. DETERMINATION FOR FISCAL YEAR 1994.

Notwithstanding the proviso referring to section 3(d)(2)(B) of Public Law 81–874 under the following heading "IMPACT AID" under title III of the Departments of Labor, Health and Human services and Education, and Related Agencies Appropriations Act of 1994, or any provision of paragraph (2) of section 3(d) of such Public Law which is consistent with this proviso, determinations regarding the eligibility for an amount of payments under section 3(d)(2)(B) of such Public Law for fiscal year 1994 shall be made on the basis of 1994 data, and related Department regulations in effect during fiscal year 1992 shall be used in the tabulation of payments.

And the Senate agree to the same.

For consideration of the House bill and Senate amendment (except for sections 601–603 and 801–805):

William D. Ford,
George Miller,
Dale E. Kildee,
Pat Williams,
Major R. Owens,
Tom Sawyer,
Donald M. Payne,
Jolene Unsoeld,
Patsy T. Mink,
Jack Reed,
Tim Roemer,
Eliot L. Engel,
Xavier Becerra,
Gene Green,
Lynn C. Woolsey,
Carlos Romero-Barceló,
Karan English,
Ted Strickland,
Robert A. Underwood,

From the Committee on Education and Labor for consideration of sections 601–603 of the Senate amendment:

William D. Ford,
Major R. Owens,
Donald M. Payne,

From the Committee on Ways and Means for consideration of sections 601–603 of the Senate amendment:

Sam Gibbons,
Harold Ford,

From the Committee on Education and Labor for consideration of sections 801–805 of the Senate amendment:

William D. Ford,
Pat Williams,
Tom Sawyer,

From the Committee on Agriculture for consideration of sections 801–805 of the Senate amendment:

KIKA DE LA GARZA,
CHARLIE STENHOLM,
PAT ROBERTS,
Managers on the Part of the House.

EDWARD M. KENNEDY,
CLAIBORNE PELL,
HOWARD M. METZENBAUM,
CHRISTOPHER J. DODD,
PAUL SIMON,
TOM HARKIN,
BARBARA A. MIKULSKI,
JEFF BINGAMAN,
PAUL WELLSTONE,
HARRIS WOFFORD,
NANCY LANDON KASSEBAUM,
JAMES M. JEFFORDS,
ORRIN HATCH,
DAVE DURENBERGER,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6) to extend for five years the authorizations of appropriations for the programs under the Elementary and Secondary Education Act of 1965, and for certain other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

STATEMENT OF MANAGERS

The Managers on the part of the House and the Senate wish to recognize the extraordinary contributions of John (Jack) Jennings to the Congress and to the Federal programs in support of education. Jack Jennings is retiring at the end of this Congress having served for over a quarter century as counsel to the Education and Labor Committee and its Subcommittee on Elementary, Secondary, and Vocational Education. During his service, Jack Jennings has been a model of staff professionalism, striving always to produce high quality education laws that faithfully reflect the policy decisions of the Members of Congress. The Members of Congress who have worked with Jack Jennings have benefited from his thoughtful counsel and diligence as have millions of students in America's schools.

TITLE I, PART A

Short Title; Table of Contents

1. The House bill contains a table of contents for the Improving America's Schools Act, which includes the Elementary and Secondary Education Act; the Senate amendment outlines the organization of the Improving America's Schools Act and includes a table of contents for the Elementary and Secondary Education Act.

The Senate recedes.

Effective Dates; Transition

2. The House bill refers to "Except as provided in subparagraph (B), the provisions of title I"; the Senate amendment entitles the paragraph "Title I" and refers to "The amendment made by title I".

Legislative counsel.

3. Both the House bill and the Senate amendment have an exception for the Impact Aid provisions, but the cites are different.

Legislative counsel.

4. The House bill refers to "programs that are conducted"; the Senate amendment refers to "programs under such Act that are conducted".

Legislative counsel.

5. The House bill refers to "in fiscal year 1995 and in subsequent"; the Senate amendment refers to "for fiscal year 1995 and for subsequent".

The Senate recedes.

6. The House bill, but not the Senate bill, requires that the Impact Aid provisions become effective on October 1, 1994.

The Senate recedes with an amendment changing the Title VIII effective date from October 1, 1994 to date of enactment of this Act.

7. The House bill refers to "The provisions of title II of this Act"; the Senate amendment entitles the paragraph "Title II" and refers to "Title II of this Act and the amendments made by title II of this Act".

Legislative counsel.

8. The House bill refers to "shall be effective upon enactment"; the Senate bill refers to "shall take effect on the date of enactment of this Act".

Legislative counsel.

9. Both the House bill and the Senate amendment refer to the equity provisions, but the cites are different.

Legislative counsel.

10. The House bill refers to "of this Act shall take effect"; the Senate amendment entitles the paragraph "Title III" and refers to "of this Act and the amendments made by such parts shall take effect on".

Legislative counsel.

11. The House bill refers to "of this Act"; the Senate amendment refers to "of this Act and the amendments made by such part".

Legislative counsel.

12. The House bill refers to "as in effect prior to amendment by this Act"; the Senate amendment refers to "as such Act was in effect on the day preceding the date of enactment of this Act".

Legislative counsel.

13. The House bill refers to "available to it"; the Senate amendment refers to "available to such recipient".

Legislative counsel.

TITLE I—AMENDMENTS TO THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

14. The Senate amendment, but not the House bill, includes a U.S. code cite for the Elementary and Secondary Education Act of 1965.

Legislative counsel.

TITLE I—IMPROVED EDUCATION FOR DISADVANTAGED CHILDREN

15. The House bill entitles Title I as "Improved Education for Disadvantaged Children"; the Senate amendment entitles Title I as "Helping Children in Need Meet High Standards".

The House recedes with an amendment changing the heading to read "HELPING DISADVANTAGED CHILDREN MEET HIGH STANDARDS".

Declaration of Policy Statement and Purpose

16. The Senate amendment, but not the House bill, includes a heading for the paragraph entitled "In General".

Legislative counsel.

17. The House bill refers to "for all persons"; the Senate amendment refers to "for all individuals".

Legislative counsel.

18. The House bill refers to "such education"; the Senate amendment refers to "that education".

Legislative counsel.

19. The House bill gives a detailed description of what constitutes "a societal good"; the Senate amendment refers to "a societal good".

The House recedes.

20. The House bill, but not the Senate amendment, states that a high quality education for all persons and a fair and equal opportunity to obtain such education are a private good.

The House recedes.

21. The House bill gives a detailed description of what constitutes "a moral imperative"; the Senate amendment refers to "a moral imperative".

The House recedes.

22. The House bill refers to "the life of every person"; the Senate bill refers to "the life of every individual".

Legislative counsel.

23. The Senate amendment, but not the House bill, contains an additional policy which states that the Congress declares it to be the policy of the United States to expand the Title I program by increasing the funding for it by at least $750,000,000 over baseline in each fiscal year, thereby increasing the percentage of eligible children who receive services with the intent of serving all eligible children by fiscal year 2004.

The House recedes with an amendment changing 1995 to 1996.

24. The Senate amendment, but not the House bill, refers to "our Nation's" highest poverty schools.

Legislative counsel.

25. The Senate amendment, but not the House bill, includes children with disabilities among those for whom the educational needs are particularly great.

The House recedes.

26. The House bill, but not the Senate amendment, states that while title I and other ESEA programs have contributed to narrowing the achievement gap between children in high poverty schools and in low poverty schools, these programs need to become more effective in improving schools in order to enable all children to achieve high standards.

The Senate recedes.

27. The Senate amendment, but not the House bill, states that in order for all students to master challenging standards in core academic subjects as described in the National Education Goal 3,

students and schools will need to maximize the time spent on teaching and learning the core academic subjects, and students who receive pullout instruction at the expense of core academic subjects learning time can fall farther behind in learning the core academic subjects.

The House recedes with an amendment inserting a period after core academic subjects.

28. The House bill entitles the subsection as "What Has Been Learned"; the Senate amendment entitles the subsection as "What Has Been Learned Since 1988".

The House recedes.

29. The House bill refers to "builds upon what has been learned"; the Senate amendment refers to "builds upon the following learned information".

Legislative counsel.

Style Note: The House bill has the finding as one sentence; the Senate amendment has the finding as two sentences.

Legislative counsel.

30. The House bill refers to "and they are given"; the Senate amendment refers to "and all children are given".

Legislative counsel.

31. The House bill, but not the Senate amendment, states that conditions outside the classroom can adversely affect children's academic achievement and must be addressed through the coordination of services in order for the Nation to meet the National Education Goals, and then goes on to list those conditions.

The Senate recedes.

32. The House bill, but not the Senate amendment, states that a better understanding of the principles of good health can help children and adolescents succeed in school, become active, productive members of society, and successfully compete in the economy. The House bill further states that schools that provide quality physical and health education contribute to enhanced knowledge, behavior, and fitness of children and adolescents.

The House recedes.

33. The House bill refers to "the low level skills measured by such tests"; the Senate amendment refers to "low level skills measured by those tests".

Legislative counsel.

34. The House bill refers to "are more effective when they ensure that children"; the Senate amendment refers to "are effective when children".

Legislative counsel.

35. The House bill refers to "effective regular school programs"; the Senate amendment refers to "quality regular school programs".

The Senate recedes with an amendment inserting "high-quality" before "regular school".

36. The House bill, but not the Senate amendment, states that the disproven theory that children must first learn basic skills before engaging in more complex tasks continues to dominate strategies for classroom instruction, resulting in emphasis on repetitive drill and practice at the expense of content-rich instruction, accelerated curricula, and effective teaching to high standards.

The House recedes.

37. The House bill, but not the Senate amendment, states that insufficient attention and resources are directed toward the effective use of technology in schools and the role it can play in professional development and improved teaching and learning.

The Senate recedes.

38. The House bill refers to giving schools the "responsibility"; the Senate amendment refers to giving schools the "authority".

The House recedes.

39. The House bill refers to "bringing children to high levels of performance and schools accept the responsibility to do so"; the Senate amendment refers to "bringing their children to high levels of performance".

The House recedes.

40. The House bill refers to "public charter schools"; the Senate amendment refers to "charter schools".

The Senate recedes.

41. The House bill refers to "can be better targeted"; the Senate amendment refers to "have not been adequately targeted".

The Senate recedes.

42. The House bill refers to "local educational agencies"; the Senate amendment refers to "school districts".

The Senate recedes.

43. The Senate amendment, but not the House bill, states that piecemeal reform, particularly when not tied to an overall vision of teaching to, and helping all children reach, high standards, does not work.

The Senate recedes.

44. The Senate amendment, but not the House bill, states that equitable and sufficient resources, particularly as such resources relate to the quality of the teaching force, have an integral relationship to high student achievement.

The House recedes.

45. The House bill states that it is the purpose of this title to enable schools to provide opportunities for children to "acquire the knowledge and skills contained in the rigorous State content standards and to meet the challenging State performance standards developed for all children under the Goals 2000: Educate America Act or, in their absence, under this title"; the Senate amendment states that it is the purpose of this title to enable schools to provide opportunities for children to "acquire the same basic and advanced skills and knowledge as children not served under this title".

The Senate recedes with an amendment deleting "under the Goals 2000: Educate America Act or, in their absence, under this title."

46. The House bill refers to "high standards for all children"; the Senate amendment refers to "high standards".

The Senate recedes.

47. The Senate amendment, but not the House bill, states that an enriched and accelerated educational program can include, when appropriate, the use of the arts and humanities.

The House recedes with an amendment striking "and humanities".

48. The House bill, but not the Senate amendment, states that instruction through schoolwise programs or additional services

should be provided so that children served under title I receive at least the classroom instruction that other children receive.

The Senate recedes.

49. The House bill refers to "ensuring access of children"; the Senate amendment refers to "access of children".

The Senate recedes.

50. The House bill refers to "content that includes intensive"; the Senate amendment refers to "content that support intensive".

The Senate recedes.

51. The House bill refers to "curricula and instruction"; the Senate amendment refers to "instruction".

The House recedes.

52. The House bill refers to "intensive and sustained professional development"; the Senate amendment refers to "ongoing professional development".

The Senate recedes.

53. The House bill refers to "schools where needs are greatest"; the Senate amendment refers to "areas where needs are greatest".

The Senate recedes with an amendment to add "areas and" before "schools".

54. The House bill refers to "how well children are achieving"; the Senate amendment refers to "how well children served under this title are achieving".

The House recedes.

55. The House bill refers to "high State standards of performance"; the Senate amendment refers to "high State student performance standards".

The House recedes.

56. The House bill refers to "schools and teachers"; the Senate amendment refers to "schools".

The Senate recedes.

57. The Senate amendment, but not the House bill, states that the purpose of the title shall be accomplished by encouraging the development of innovative models for recruitment, induction, retention, and assessment of new, highly qualified teachers, especially teachers from historically underrepresented groups.

The Senate recedes.

Authorization of Appropriations

58. The House bill, but not the Senate amendment, includes the phrase "Appropriations are authorized for the following programs and activities under this title:".

Legislative counsel.

59. The House bill authorizes $7,400,000,000 to be appropriated for FY 1995 to carry out Part A of this title except for School Improvement and Capital Expenses; the Senate amendment authorizes $7,500,000,000 to be appropriated for FY 1995 to carry out Part A of this title except for Capital Expenses.

The Senate recedes.

Technical Note: Throughout the Authorization of Appropriations section, the House bill refers "part of this title" and to "of the fiscal years 1996, 1997, 1998, and 1999"; the Senate amendment refers to "part " and to "of the 4 succeeding fiscal years".

60. The House bill authorizes $118,000,000 to be appropriated for FY 1995 for the Even Start program; the Senate amendment authorizes $120,000,000 to be appropriated for FY 1995 for the Even Start program.

The Senate recedes.

61. The House bill entitles the paragraph as "Prevention and Intervention Services for Delinquent Youth and Youth At Risk of Dropping Out"; the Senate amendment entitles the paragraph as "Education for Neglected or Delinquent Youth".

The Senate recedes with an amendment changing the title to "Prevention and Intervention Programs for Youth Who Are Neglected, Delinquent, Or At Risk of Dropping Out".

62. The House bill authorizes $41,434,000 to be appropriated for FY 1995 for Capital Expenses; the Senate amendment authorizes $45,000,000 to be appropriated for FY 1995 for Capital Expenses.

The Senate recedes.

63. The House bill, but not the Senate amendment, authorizes $30,000,000 to be appropriated for FY 1995 for School Improvement activities, and such sums as may be necessary for each of the fiscal years 1996, 1997, 1998, and 1999.

The Senate recedes with an amendment to insert "providing additional needed assistance to" after the words "of carrying", striking from "$30,000" to the end of the sentence and replacing it with "such sums for FY 1996–1999." It is the conferees' intent that states have the authority to reserve .5% of their state's Title I appropriation as provided for in the state administration section of this bill at the end of Title I. However, the conferees want to ensure that there are sufficient funds to carry out the program improvement requirements in this Act and are unsure whether .5% of a state's Title I funds will be adequate during the entire reauthorization period. Thus, if states determine that such reserve is insufficient, states may request additional funds from Congress through the appropriation process.

64. The Senate amendment, but not the House bill, entitles the paragraph as "Section 1601".

Legislative counsel.

65. The House bill authorizes $9,000,000 to be appropriated for FY 1995 for Federal Evaluation activities; the Senate amendment authorizes $10,000,000 to be appropriated for FY 1995 for Federal Evaluation activities.

The Senate recedes.

66. The Senate amendment, but not the House bill, entitles the paragraph as "Section 1602".

Legislative counsel.

67. The House bill authorizes $20,000,000 to be appropriated for FY 1995 for Federal Demonstrations of Innovative Practices and for Innovative Elementary School Transition Projects; the Senate amendment authorizes $20,000,000 to be appropriated for FY 1995 for Federal Demonstrations of Innovative Practices.

The Senate recedes with an amendment changing the amount authorized to be appropriated in fiscal year 1995 from $20,000,000 to $50,000,000.

State Plans

68. The House bill titles Part A "Basic Programs Operated by Local Educational Agencies"; the Senate amendment entitles Part A "Making High Poverty Schools Work."

The Senate recedes with an amendment inserting "Improving" before "Basic."

69. The Senate amendment, but not the House bill, has a paragraph heading "In General."

Legislative counsel.

70. The Senate amendment, but not the House bill, specifies that "pupil services personnel" and "other staff" be included on the list of groups to be consulted with in the development of the state plan.

The House recedes.

71. The Senate amendment, but not the House bill, requires the State plan to satisfy the requirements of this section.

The House recedes.

72. The House bill, but not the Senate amendment, provides that the state plan be integrated with, and satisfy requirements of this section not already addressed in, the State's Goals 2000 plan, and with other state plans, if any, under the School-to-Work Opportunities Act and the Perkins Act to the extent these plans have not already been incorproated into the state's Goals 2000 plan.

The Senate recedes with an amendment inserting before the period at the end of paragraph (1) "and that is coordinated with other programs under this Act, the Goals 2000: Educate America Act, and other Acts, as appropriate, as specified in section 14306."

73. The House bill, but not the Senate amendment, provides that, if a state does not have or is not developing, a Goals 2000 plan, the state plan be integrated with other state plans under this Act, and other plans including the School-to-Work Opportunities Act and the Perkins Act, where such plans exist, and satisfies the requirements of the section.

The House recedes.

74. Both the House bill and Senate amendment provide that the state plan may be submitted as part of a consolidated application with different cross references. The Senate amendment has a paragraph heading.

Legislative counsel.

75. The House bill, but not the Senate amendment, provides that a state may satisfy the requirements of this section by referencing applicable sections of its approved plan under Goals 2000.

The House recedes.

76. The Senate amendment, but not the House bill, has a paragraph heading.

Legislative counsel.

77. The House bill provides that the state plan shall "demonstrate" that the state has developed or adopted "high-quality standards" for "children served under this title" that will be used to carry out this Act; the Senate amendment provides that the state plan shall "describe" the high-quality "academic" standards for "all" children "in subjects determined by the state" that will be used to carry out this "part."

The Senate recedes with an amendment inserting "academic" after "high quality" to clarify that if states have content standards or student performance standards developed under Title III of the Goals 2000: Educate America Act, or some other process, those are the standards to be used in Title I program; and to clarify that "states shall not be required to submit such standards to the Secretary."

78. The House bill says that the standards be as challenging and of the same high quality as they are for all children; the Senate amendment says that for those subjects for which the state does not have standards and students are served under this part, describe a process for ensuring that such students are taught the same knowledge and skills and held to the same expectations as all children.

The Senate recedes with an amendment clarifying that states that have not adopted standards under Goals 2000, or another process must develop student content and student performance standards including at least mathematics and reading and language arts for children served in Title I programs which shall include the same knowledge, skills, and levels of performance expected of all children.

79. The House bill, but not the Senate amendment, provides that the standards in the state plan include challenging content standards in the core academic subjects and lists three characteristics of the content standards.

The Senate recedes with an amendment striking "in the core academic subjects" and inserting "academic" before "content standards" and striking "emphasizes" and inserting "encourages."

80. The House bill, but not the Senate amendment, says that the State plan include challenging performance standards aligned with the State's content standards.

The Senate recedes with an amendment to add "student" before "performance standards".

81. The House bill says that the performance standards describe two levels of high performance for determining how well children "served under this title" are mastering the material in the content standards; the amendment says state plans shall describe two levels of high performance that will determine how well children are mastering the material in the "State" content standards.

The Senate recedes with an amendment striking "served under this title" and inserting "State" before "content standards".

82. The House bill says that performance standards in the state plan include a "third benchmark below proficient, if necessary," to provide complete information about the progress of children toward achieving the "high" proficient and advanced performance standards; the Senate amendment says that the state plan describe a "third level, partially proficient" to provide complete information about the progress of children toward achieving the "proficient and advanced level of performance".

The House recedes.

83. The House bill provides for the development of model opportunity-to-learn standards for schools receiving assistance under this title and specifies three factors that the standards are to address; the Senate amendment provides that the state plan describe

the steps the State will take to help each LEA and school affected by the State plan develop the capacity to comply with the requirements of sections 1112(c), 1114(b), 1115(c) that are applicable to such agency or school.

The House recedes with the following amendment:

"(iii) how the State will help each local educational agency and school affected by the State plan develop the capacity to comply with each of the requirements of sections 1112(c)(3), 1114(b), and 1115(c) that is applicable to such agency or school;" and

(iv) such other factors the State deems appropriate (which may include opportunity to learn standards or strategies developed by such state under Public Law 103–227) to provide students an opportunity to achieve the knowledge and skills described in the challenging content standards adopted by the State;"

84. The Senate amendment, but not the House bill, says that if a state has content or performance standards developed under Title III of Goals 2000 or an aligned set of assessments for all students developed under such title or adopted under another process, the state shall use those standards or assessments, modified if necessary, to conform with the requirements of paragraphs (1)(A)(i), (2), and (3). House has the identical provision see note 108.

The House recedes.

85. The House bill provides for the State plan to include a schedule for the development of standards for core academic subjects where the state does not have such standards which includes the completion of standards in mathematics and reading/language arts by the end of the interim period described in paragraph (6); the Senate amendment provides that if a state does not have state content and state student performance standards for all students, the plan shall include a strategy for developing such standards for elementary and secondary students served under this part in subjects determined by the State, including at least mathematics, and reading or language arts which shall include the same knowledge, skills and levels of performance expected of all children.

The House and Senate recede with amendment to clarify that states are to have 1 year to develop standards in mathematics and reading and language arts, if they do not already have such standards.

86. The Senate amendment, but not the House bill, requires the plan to include, for those subjects in which a state will not develop standards for students served under this part, a strategy for developing a process for ensuring that such students are taught the same knowledge and skills and held to the same expectations as all children.

The House and Senate recede with amendment clarifying that for those academic subjects for which states are not required to develop standards, the plan shall include a strategy for ensuring that Title I students are held to the same expectations as all students.

87. The House bill provides that the state plan shall "demonstrate" what constitutes adequate yearly progress of any school served under this part toward enabling children to meet the State's "proficient and advanced" performance standards; the Senate amendment has a paragraph heading and provides that the state plan contain a "description of" what constitutes adequate yearly

progress of any school served under this part towards enabling "all" children to meet the State's "student performance standards."

The Senate recedes with an amendment inserting "student" before "performance standards".

88. The House bill says that the state plan shall demonstrate what constitutes adequate yearly progress of any local educational agency that receives funds under this part toward enabling "children in schools receiving assistance under this part" to meet the State's "'proficient' and 'advanced' performance standards"; the Senate amendment requires a description of what constitutes adequate yearly progress for any local educational agency that receives funds under this part towards enabling "all children within its jurisdiction" to meet the State's "student performance standards."

The Senate recedes.

89. The House bill, but not the Senate amendment, provides that adequate yearly progress be defined in a manner that is consistent with criteria of general applicability established by the Secretary.

The Senate recedes with an amendment replacing "criteria of general applicability" with "guidelines."

90. The House bill provides that adequate yearly progress results in continuous improvement for economically disadvantaged, limited-English proficient, and all students under this title in each school and local educational agency toward the goal of all children under this title meeting the State's challenging "advanced" performance standards; the Senate amendment provides that adequate yearly progress result in continuous improvement of each local educational agency and school sufficient to achieve the goal of all children served under this part meeting the state's proficient and advanced level of performance, particularly eligible children described in section 1115(b).

The House recedes with an amendment striking "eligible children described in section 1115(b)" and inserting "economically disadvantaged and limited-English proficient children."

91. The House bill, but not the Senate amendment, provides that adequate yearly progress link progress primarily to performance on assessments but permits progress to include the use of other outcome-based measures such as reductions in drop-out rates.

The Senate recedes with an amendment to strike "outcome-based" and putting a period after "measures". It is the intent of the Managers that the term "other measures" may include indicators such as rates of attendance, graduation, school-to-work or school-to-college transition, and dropout rates.

92. The House bill provides that the state plan demonstrate that the State has developed or adopted a set of high-quality, yearly student assessments; the Senate amendment provides that the state plan include a description of such assessments including at least mathematics, and reading or language arts and has a paragraph heading.

The Senate recedes with an amendment inserting "including at least mathematics, and reading or language arts,"

93. The House bill provides that the assessments shall be the primary means of determining the yearly performance of each local educational agency and school "receiving assistance" under this

part in enabling children served under this title to meet the state's performance standards; the Senate amendment provides that the assessments be used in each local educational agency and school "served" under this part; enable "all" children served under this part to meet the State's "student" performance standards".

The House recedes.

94. The House bill provides that assessments be challenging and of the same high quality as they are for all children; the Senate amendment provides that the assessments be the same assessments used to measure the performance of all children, if the state measures the performance of all children.

The House recedes.

95. The House bill provides that assessments be aligned with the State's challenging content and performance standards and provide coherent information about student attainment of standards; the Senate amendment provides that assessments be aligned with State content standards where such standards have been developed and be capable of providing coherent information about student attainment relative to the State content standards (See Senate subparagraph (F) on next page.

The Senate recedes.

96. The House bill says that assessments be used for purposes for which they are valid and reliable and be consistent with nationally recognized standards; the Senate amendment has a similar provision but also says that assessment measures that are not valid and reliable or that do not meet nationally recognized standards for assessments may be used as one of the multiple measures dentical provision see note 89.

The House recedes.

97. The House bill provides that assessments measure the student proficiency in core academic subjects in which the State has adopted standards and be administered at some time during grades 3–5, grades 6–9, and grades 10–12; the Senate amendment in paragraphs (3) provides that assessments be in at least one grade in each school.

The Senate recedes with an amendment to strike "core" before "academic".

98. The House bill provides that assessments be comprised of multiple, up-to-date measures of student performance; the Senate amendment provides that assessments involve multiple measures of students performance, including measures that assess higher order thinking skills and understanding.

The House recedes with an amendment incorporating the term "up-to-date".

99. The House bill provides that limited-English proficient students be included in assessments and describes how such students shall be assessed; the Senate amendment says that the assessments provide for the participation of all students with diverse learning needs and the adaptations necessary to permit such participation.

The House recedes with amendments striking "with diverse learning needs: in (i), modifying (ii) to read "the reasonable adaptations and accommodations for students with diverse learing needs to measure the achievement of such students relative to the state student content standards;" and adding a new (iii) incorporating the language from the House bill concerning limited-English proficient students.

100. The House bill provides that assessments include students who have resided in the local educational agency for a full academic year but have not attended a single school for a full year and specifies that the scores of such students may only be used to determine the progress of the local educational agency; the Senate amendment contains similar language with the additional provision that student scores shall be used only in determining the progress of the local educational agency unless the states determine otherwise.

The Senate recedes.

101. The House bill provides in that students with disabilities be included in assessments, describes how such students be assessed, and exempts students with severe cognitive impairments who permanently lack the capacity to make any educational progress from the assessment process; the Senate amendment in subparagraph (D) says assessments must provide for the participation of all students with diverse learning needs and the adaptations and accommodations to permit such participation.

The House recedes.

102. The House bill provides that assessments provide individual student scores; the Senate amendment provides that assessments provide individual student interpretative and descriptive reports, which may include scores and other information on the attainment of student performance standards.

The House recedes with amendments changing "may" to "shall" and "and" to "or".

The Conferees believe that it is critical that all students including those with disabilities participate in assessments. The Bill includes provisions for the participation of all students with diverse learning needs and the adaptations and accommodations necessary to permit such participation. The Conferees emphasize the importance of these provisions because of evidence of considerable exclusion of students with disabilities from national and state data collection programs. It is currently estimated that the National Assessment of Educational Progress excludes 50% of students with disabilities.

Based on evidence from states such as Kentucky, Maryland, and others the Conferees believe that all children can participate in assessment efforts. Most students (over 98% in Kentucky's experience) will be able to participate in the regular assessment provided to non-disabled children with accommodations such as extended time limits, use of large print or braille versions of assessments, or use of a reader, scribe, sign language interpreter, or technology. The remainder may need adaptations to participate such as the use of information provided by an individual who has extensive knowledge of the student's performance or portfolio assessments which permit students to demonstrate their educational proficiency.

The Conferees also believe that the IEP, required by Part B of IDEA, serves as an excellent source for identifying the necessary adaptations and accommodations for students with disabilities to fully participate in assessments. The supports provided in the instructional environment will also serve the student in the assessment process and will help provide valid information on student progress and achievement.

Further, in respect to content and performance standards, the Conferees believe that high expectations are needed for all students including children with disabilities. However, the Conferees believe that a range of individual performance will result even when students achieve the high expectations that are set for them.

Therefore, the Bill acknowledges the need to recognize these functional differences, yet maintain high expectations. The IEP, required by Part B of IDEA, provides one mechanism for establishing goals and objectives that are individually determined, represent high expectations and that acknowledge a student's unique learning characteristics and current level of performance.

103. The House bill specifies that assessments provide for disaggregated results within each state, local educational agency, and school of students by gender, racial and ethnic group, by English proficiency, and by economic disadvantage compared to those who are not economically disadvantaged; the Senate amendment specifies that assessments provide statistically reliable results for economically disadvantaged children disaggregated by gender, racial and ethnic group, "limited-English proficient children, children with disabilities, migratory children, and other educational meaningful categories of children."

Senate recedes with amendments changing the language to read "enable results to be disaggregated" and adding "migrant children and children with disabilities".

104. The Senate amendment, but not the House bill, provides that assessments support effective curriculum and instruction.

The Senate recedes.

105. The Senate amendment, but not the House bill, says that assessments given in grade one, two and three be developmentally appropriate. The House bill does not authorize assessments below grade 3.

The Senate recedes.

106. The Senate amendment, but not the House bill, says each plan may include a description of other indicators that will be used in addition to assessments in determining the yearly performance of each local educational agency and school served under this part and lists examples of indicators.

The Senate recedes.

107. The House bill, but not the Senate amendment, provides that state plans identify languages other than English that are present in the participating student population, make every effort to develop such assessments, notify the Secretary if linguistically-assessable assessments are needed, and the Secretary shall assist in the identification of assessment measures in the needed languages.

The Senate recedes with amendments striking "shall notify" and inserting "may request assistance from", and striking "notification" and inserting "request".

108. The House bill, but not the Senate amendment, says that if a state has content and performance standards and an aligned

set of assessments for all students developed under Goals 2000 or another process, the state shall use those standards, modified if necessary. The Senate has the identical provision—see note 89.

The House recedes.

109. The House bill, says that if a state does not have challenging performance standards after 2 years, or assessments that meet the requirements of paragraph (3) after 3 years, the state shall adopt a set of standards and assessments contained in other state plans the Secretary has approved and may propose an interim set of yearly statewide assessments; the Senate amendment contains a similar provision with a paragraph heading and with the additional requirements that: allow State's to use for a period of not more than two years transitional assessments including at least mathematics, and reading or language arts, in one grade in each school may be proposed for 2 years.

The House recedes with amendments redrafting the provision to provide that states that do not have assessments that meet the requirements of paragraph (3) shall have 3 years to develop such assessments and 1 year to field test them.

110. The Senate amendment, but not the House bill, says that states using transitional assessments shall develop benchmarks of progress for the development of assessments that meet the requirements of paragraph (3).

The House recedes.

111. The Senate amendment, but not the House bill, says that the Secretary may extend the use of transitional assessments for 2 additional years upon the request of a state.

The House recedes with an amendment providing that states may have one additional year for field testing assessments to correct problems identified in the preliminary field tests.

112. The Senate amendment, but not the House bill, says that a state that is denied an extension or a state that receives an extension but after 2 additional years still does not have state content and performance standards or assessments shall adopt a set of such standards and assessments such as those contained in other state plans the Secretary has approved.

The House recedes with an amendment to provide that if states do not have challenging content and student performance standards and assessments that meet the requirements of paragraph (3) by a time certain, they are to adopt such standards and assessments from another source such as another state's plan which has been approved by the Secretary.

113. The House bill provides that for any year during which a state is using an interim assessment system, the State shall devise a means for identifying schools and local educational agencies in need of improvement; the Senate amendment contains a similar provision using the term "transitional assessments" except that a state is to devise a "procedure" for identifying local educational agencies and schools in need of program improvement (different section references) that is to rely on accurate information about the academic progress of each such local educational agency and school.

The House recedes. The Managers intend that a State is to devise a procedure for identifying local educational agencies and schools in need of program improvement that relies on accurate information about the academic progress of each local educational agency and school that includes information from at least one transitional assessment that yields consistent results that accurately reflect what the assessments system was designed to measure.

114. The House bill provides that the state plan describe the means by which the State educational agency will work with other agencies, including educational service agencies or other local consortia to provide technical assistance to local educational agencies and schools and to carry out the State educational agency's responsibilities under this part including assistance in providing high quality professional development; the Senate amendment provides that the state plan "contain assurances" that the State will implement a system of school support teams including the provision of necessary professional development for such teams.

The House recedes with an amendment combining the provisions and inserting "technical" before "assistance" and deleting "high quality" before "professional development" in the House language.

115. The House bill, but not the Senate amendment, provides that states should consider providing technical assistance and professional development through educational service agencies, where they exist, and through cooperative agreements such as a consortia of local educational agencies where educational service agencies do not exist.

The Senate recedes with an amendment to make this an assurance.

116. The House bill, but not the Senate amendment, says that the state plan describe the measure of poverty local educational agencies will use which shall include certain factors.

The House recedes.

117. The House bill says the state plan describe how the State educational agency will notify local educational agencies and the public of the standards and assessments developed under this section, and of the authority to operate schoolwide programs, and other factors related to school improvement including the corrective actions it will take under section 1116(d)(6); the Senate amendment says that the state plan contain assurances that the State educational agency will fulfill is local educational agency and school improvement responsibilities under section 1118.

The Senate recedes with amendments striking "how" and moving this language to the list of assurances; and "including actions it will take under section 1116(d)(6)" and inserting "and such corrective actions as are necessary".

118. The Senate amendment, but not the House bill, says the plan provide assurances that the SEA will provide the least restrictive and burdensome regulations for LEAs and schools participating under this part.

The House recedes.

119. The House bill says the state plan is to "describe" how the state educational agency will encourage the use of other funds for schoolwide reform in schoolwide programs; the Senate amendment says the plan is to contain assurances for the same activity.

The House recedes.

120. The House bill, but not the Senate amendment, says the state plan is to describe how the Committee of Practitioners was involved in the development and will be involved in monitoring the implementation of the state plan.

The Senate recedes with an amendment to strike "how" and move to the assurances.

121. The House bill, but not the Senate amendment says the state plan describe how the state educational agency will assess the needs of local educational agencies serving rural areas and the plans the State educational agency has to meet those needs.

The House recedes.

122. The House bill, but not the Senate amendment, says the plan is to describe how the state educational agency will encourage cooperative education, mentoring, and apprenticeship programs involving business and industry.

The House recedes.

123. The House bill, but not the Senate amendment, says the state plan is to describe how the state will coordinate activities funded under this part with school-to-work and vocational education programs as appropriate.

The Senate recedes with an amendment moving to the list of assurances and adding "cooperative education, mentoring, and apprenticeship programs involving business and industry" after "programs" in number (8).

124. The House bill provides that the Secretary establish a peer review process to assist in the review of state plans; the Senate amendment has a paragraph heading and provides that the peer review process assist in the "review and recommendations for revision" of state plans.

The House recedes.

125. The House bill, but not the Senate amendment, provides that the peer review process include representatives of state educational agencies, local educational agencies, teachers, and parents.

The Senate recedes.

126. The House bill requires the Secretary to approve plans that meet the requirements of subsection (a) (b) and (c). The Senate amendment requires the Secretary to approve plans that meet the requirements of subsections (b) and (c).

The Senate recedes.

127. The House bill requires the Secretary to notify states whose plans do not meet the requirements of subsections (a), (b), or (c) of the determination and the reasons for it; the Senate amendment contains a similar provision but references only subsections (b) and (c).

The Senate recedes.

128. The House bill provides that the Secretary shall not decline to approve a plan before offering the state an opportunity to revise the plan or application, provide technical assistance to meet the requirements of subsections (a), (b), and (c), and a hearing; the Senate amendment provides that the Secretary shall not "finally disapprove" a plan before offering the State an opportunity for revision and technical assistance to meet the requirements of subsections (b) and (c).

The Senate recedes.

129. The Senate amendment, but not the House bill, provides that the Secretary may not require a state, as a condition of Secretarial approval, to include or delete from its plan one or more element of the state's content standards or to use specific assessment instruments or items.

The House recedes with an amendment inserting "Have the authority to disapprove a state plan for not meeting the requirements of this part, but shall" at the beginning of (E).

130. The House bill provides that the Secretary may withhold funds until determining that a plan meets the requirements of this section, but may not withhold funds on the basis of the State's opportunity-to-learn standards. The Senate amendment has a paragraph heading and provides that the Secretary may withhold state administrative and other funds until determining that the state plan meets the requirements of this section.

The House recedes.

131. The House bill says significant changes in the state plan such as the adoption of new "content and performance standards" be submitted to the Secretary for approval; the Senate amendment is similar but has paragraph headings and refers to "state content standards and state student performance standards".

The House recedes.

132. The House bill, but not the Senate amendment, says nothing in this Act shall be construed to authorize any federal official to mandate, or control a state, local educational agency, or school's specific instruction content, pupil performance standards and assessments, curriculum or program of instruction in order to be eligible to receive funds.

The Senate recedes with an amendment to strike "how", move to the list of assurances, and to insert "opportunity to learn standards or strategies" after "assessments".

133. The House bill, but not the Senate amendment, says notwithstanding any other provision of this Act the implementation of model opportunity-to-learn standards shall be voluntary.

The Senate recedes with the following amendment:

"Nothing in this Act shall be construed to require any State or local educational agency or school to implement opportunity to learn standards or strategies developed by such State under Public Law 103–227."

134. The House bill, but not the Senate amendment, says nothing in this title shall be construed to authorize any federal official to mandate or control a state, local educational agency, or school's opportunity-to-learn standards as a condition of eligibility to receive funds under this title.

The House recedes.

135. The House bill, but not the Senate amendment, says nothing in this section shall be construed to create a legally enforceable right based on opportunity-to-learn standards.

The House recedes.

136. The House bill, but not the Senate amendment, says nothing in this section shall be construed to mandate equalized spending.

The House recedes.

137. The House bill, but not the Senate amendment, requires that nothing in this section shall be construed to mandate national school building standards.

The House recedes.

138. Both the House bill and Senate amendment say that if they do not already do so, aggregate state expenditures for the operation of elementary and secondary programs must equal or exceed the level of federal expenditures for the operation of such programs by a time certain with technical differences in the Senate amendment including entitling the subsection "Special Rule", referring to "elementary and secondary education programs in the State" and "October 1, 1998".

Legislative counsel.

Local Educational Agency Plans.

139. Both the House bill and Senate amendment provides that local educational agencies must have a plan on file with, and approved by, the State educational agency which may be submitted as part of a consolidated application with a minor technical difference.

Legislative counsel.

140. The House bill, but not the Senate amendment, says that the plan be integrated with the local educational agency's Goals 2000 plan.

The Senate recedes with an amendment striking (A) and (B) and inserting "is coordinated with other programs under this Act, the Goals 2000: Educate America Act, and other Acts, as appropriate, as specified in section 14306."

141. The House bill, but not the Senate amendment, says that the plan be integrated with local plans, if any, under the School-to-Work Opportunities Act and the Perkins Act, to the extent they are not already incorporated into the state's Goals 2000 plan.

The House recedes.

142. The House bill, but not the Senate amendment, says if the local educational agency does not have a Goals 2000 plan, the plan be integrated with other plans under this Act, School-to-Work and Perkins where such plans exist, and satisfies the requirements of this section.

The House recedes.

143. Both the House bill and Senate amendment allow the plan to be submitted as part of a consolidated application with minor technical differences and different reference cites.

Legislative counsel.

144. The House bill, but not the Senate amendment, provides that a local educational agency may satisfy the requirements of this section by referencing applicable parts of their Goals 2000 plan.

The House recedes.

145. The House bill entitles subsection (b) "Standards and Assessment Provisions;" the Senate amendment entitles this subsection "Plan Provisions" and has a paragraph heading.

Legislative counsel.

146. The House bill, but not the Senate amendment, provides that the plan include a description of any content and performance

standards in the core subjects, in addition to those adopted by the State under section 1111, that the local educational agency expects children served under this title to meet.

The House recedes.

147. The House bill, but not the Senate amendment, provides that the plan include a description of what constitutes adequate yearly progress if a local educational agency elects to establish more stringent measures than those in the State plan.

The House recedes.

148. The House bill says that the plan include a description of additional high quality student assessments, if any, other than those in the state plan, that the local educational agency will use to determine the success of children served under this title in meeting state performance standards; the Senate amendment contains a similar provision stating that the assessments be used to "provide information to teachers, parents, and students on the progress being made toward meeting state performance standards.

The Senate recedes with an amendment inserting before the semicolon at the end of (A) "and provide information to teachers, parents, and students on the progress being made toward meeting the State student performance standards described in section 1111 (b)(2)(A)".

149. The House bill provides that additional assessments assist in diagnosis, teaching and learning in the classroom in ways that best enable children served under this title to meet state standards and do well in the local curriculum and be used to determine what revisions are needed to projects under this part so that such children will meet the state's performance standards; the Senate amendment provides that such assessments "aid in instruction, in improving the performance of individual students, and in revising the local educational agencies or school's instructional program to enable all children served under this part to meet state performance standards."

The Senate recedes.

150. The Senate amendment, but not the House bill, provides that additional assessments be selected and administered by teachers.

The Senate recedes.

151. The Senate amendment, but not the House bill, provides that assessments be aligned with curriculum, and constitute an integral part of the instructional program.

The Senate recedes.

152. The Senate amendment, but not the House bill, provides that the plan include, at that local educational agency's discretion, other indicators that will be used in addition to assessments for the uses described in clause (i) and lists examples of such indicators.

The House recedes with an amendment deleting the illustrative examples of "other indicators". It is the intent of the Managers that the term "other measures" may include indicators such as rates of attendance, graduation, school-to-work or school-to-college transition, and dropout rates.

153. The House bill has a subsection heading and provides that, to ensure high-quality instruction to enable participating children to meet the state's performance standards a coherent strategy

for intensive and sustained professional development for teachers, administrators, and other staff including staff of such agency, in accordance with section 1119; the Senate amendment requires a description of the strategy the local educational agency will use to provide ongoing professional development for the same groups plus pupil services personnel, and parents.

The House recedes with amendments inserting "where appropriate" before "pupil services personnel", and a cross-reference to section 1119.

154. The Senate amendment provides that the professional development take into account needs and activities across and within schools, and draws on resources from multiple resources. The House bill has a similar provision under its Professional Development section.

The Senate recedes.

155. The House bill provides that the plan describe how local educational agencies will notify schools of the authority to operate schoolwide programs; the Senate amendment has a subsection heading and requires an assurance that the local educational agency will inform eligible schools and parents of schoolwide project authority and provide technical assistance to schoolwide programs.

The House recedes.

156. The House bill provides that the plan describe how local educational agencies will work with schools as they develop their plans, and assist schools in implementing their schoolwide and targeted assistance plans so that each school can make adequate yearly progress toward meeting State standards, and fulfill its school improvement responsibilities including the corrective actions it will take under section 1116. The Senate amendment requires an assurance that the local educational agency will work with schools in the development and implementation of their schoolwide and program improvement plans so that each school can make progress toward meeting "state content standards and state student performance standards;" and fulfill its school improvement responsibilities with a different section reference.

The Senate recedes with an amendment inserting "State content standards and State student performance standards" and moving (c) to the assurance list.

157. The House bill provides that the plan describe how the local educational agency will coordinate and integrate services provided under this part with other educational services including Even Start, Head Start, other preschool programs including plans for the transition of participants in such programs to other programs, vocational education and school-to-work transition programs; the Senate amendment contains similar language requiring assurances for the coordination and integration of services under this part with a similar list of programs but does not include transition or vocational education programs.

The Senate recedes with an amendment to strike "including plans" and inserting "such as plan".

158. The House bill provides that the plan describe how the local educational will coordinate services with services for children with limited English proficiency or disabilities, migratory children including those previously eligible for services under Part C, in the

2 year period prior to the enactment of this title, delinquent youth and youth at risk of dropping out, homeless children, and immigrant children, to increase program effectiveness, eliminate duplication, and reduce fragmentation of children's instructional programs; the Senate amendment requires an assurance for coordination with such programs but does not include services for children formerly eligible for migrant education and refers to "neglected or delinquent children."

The Senate recedes with an amendment adding "neglected and" before "children".

159. The House bill provides that the plan describe how the local educational agency will coordinate and collaborate with other agencies providing services to children, youth and families, including health and social services; the Senate amendment says that the local educational agency provide assurances that it will coordinate and collaborate to the extent feasible with such agencies and with school-based pupil services personnel where appropriate.

The House recedes with an amendment deleting "school-based pupil services personnel, where appropriate".

160. Both the House bill and Senate amendment say the plan shall include a description of the poverty criteria that will be used to select school attendance areas with technical differences.

Legislative counsel.

161. The House bill refers to the multiple criteria that will be used by targeted assistance schools to identify children eligible for services under this part; the Senate amendment refers to how teachers, in consultation with others, in targeted assistance schools, will identify those children most in need of services under this part.

The House recedes.

162. The House bill refers to the nature of programs to be conducted by schools under section 1114 and 1115 and services for children living in institutions for neglected and delinquent children; the Senate amendment refers to a "general description of" the nature of these programs "and where appropriate educational" services for children in institutions for neglected and delinquent children, and "for neglected and delinquent children in community day school programs".

The House recedes.

163. The House bill, but not the Senate amendment, provides that the plan describe how the local educational agency will ensure that migratory and formerly migratory children are selected to receive such services on the same basis as other children who are selected to receive services under this part.

The Senate recedes.

164. The House bill refers to how a school that plans to serve children through Head Start or Even Start will use funds to expand such programs or increase the level of service to children presently being served; the Senate amendment provides that the plan include a description of how the local educational agency, where appropriate, will use funds to support preschool programs for children, particularly children participating in Head Start or Even Start, and that such services may be provided directly by such agency or through a subcontract with the local Head Start

agency designated by the Secretary of Health and Human Services, or another comparable public early childhood development program.

The House recedes with an amendment adding "agencies operating an Even Start program" after "Head Start Act".

165. The House bill says the plan shall include a description of how the local educational agency will provide services to eligible children attending private elementary and secondary schools; the Senate amendment says that the local education agency provide an assurance that it will serve such children and has a different cross reference and other technical differences.

The House recedes.

166. The House bill, but not the Senate amendment, provides that the local educational agency describe the number of schoolwide programs that will be operating in such agency.

The House recedes.

167. The Senate amendment, but not the House bill, says that the plan provide assurances that the local educational agency will give priority to serving students in the earlier grades of schools that receive funds under this part.

The House recedes with an amendment revising the provision to read "take into account the experience of model programs for the disadvantaged, the findings of relevant research, that services may be most effective if focused on pupils in the earliest grades of school that receive funds under this part".

168. The Senate amendment, but not the House bill, provides that local educational agency provides assurances that, where appropriate and feasible, it will establish a procedure to ensure that all children in participating elementary schools receive two health screenings during their elementary school years.

The Senate recedes.

169. The Senate amendment, but not the House bill, says that the plan provide assurances that in the case that a state uses funds to provide early childhood services to low-income children below the age of compulsory school attendance, ensure that those services comply with the Head Start performance standards.

The Senate recedes.

170. The Senate amendment, but not the House bill, provides that the local educational agency describe how, where appropriate and feasible, it will use funds to reduce class size to 15 students.

The Senate recedes.

171. The Senate amendment, but not the House bill, provides that local educational agency plans be filed according to a schedule established by the State educational agency and that such plan shall be approved within 2 years of the date of enactment of the IASA.

The House recedes with amendments inserting "not more than 1 year from the date of enactment of the Improving America's Schools Act to have such plan provisionally approved by the State educational agency and" before "not" and "finally" before "approved".

172. The House bill provides that local educational agency plans be developed in consultation with teachers, including vocational teachers where appropriate; the Senate amendment provides

that the plan be developed in consultation with teachers, pupil services personnel and has other minor technical differences.

The Senate recedes with an amendment inserting "pupil services personnel" after "teachers,".

173. The House bill provides that the state educational agency shall approve a local plan if the plan will enable schools served under this part to help children served under this title to meet the State's challenging performance standards expected of all children; the Senate amendment contains a similar provision except it refers to helping "all" children served "under this part" to meet the standards "described in section 1111(b)(1)" and has other technical differences.

The House recedes with an amendment inserting "expected of all children" before "described".

174. The House bill, but not the Senate amendment, provides that the state educational agency shall review the local plan to determine if the professional development activities are in accordance with section 1119.

The Senate recedes.

175. The House bill refers to the shared responsibility of schools, teachers, and the local educational agency in making decisions under sections 1114 and 1115; the Senate amendment refers to the shared responsibilities of the local educational agency and schools.

The Senate recedes.

Eligible School Attendance Areas

176. The Senate amendment, but not the House bill, includes a paragraph heading entitled "In General".

Legislative counsel.

177. The House bill requires that LEAs use funds received under this part "only in school attendance areas with high concentrations of children from low-income families, hereafter in this section referred to as eligible school attendance areas"; the Senate amendment requires that LEAs use funds under this part "only in eligible school attendance areas".

The Senate recedes.

178. The Senate amendment, but not the House bill, includes a paragraph heading entitled "Eligible School Attendance Areas".

Legislative counsel.

179. The House bill refers to "'school attendance area'"; the Senate amendment refers to "the term 'school attendance area'".

Legislative counsel.

180. The House bill refers to "served by such school reside"; the Senate amendment refers to "served by that school reside".

Legislative counsel.

181. The House bill refers to "'eligible school attendance area'"; the Senate amendment refers to "the term 'eligible school attendance area'".

Legislative counsel.

182. The House bill defines eligible school attendance area to mean a school attendance area in which the percentage of children from low income families is at least as high as the percentage of

children from low income families in the LEA as a whole; the Senate amendment, in defining eligible school attendance area, encompasses the House bill's definition and further defines the term to mean a school attendance area in which the percentage of children from low income families is equal to or greater than the percentage of children served by the LEA as a whole or who are eligible to participate in a schoolwide program.

The Senate recedes.

183. The Senate amendment, but not the House bill, includes a paragraph heading entitled "Serving Schools in Rank Order".

Legislative counsel.

184. The House bill requires, that if funds allocated in accordance with the allocations subsection are insufficient to serve all eligible school attendance areas, then a LEA must annually rank, from highest to lowest according to the percentage of children from low-income families, and without regard to grade spans, its eligible school attendance areas in which the concentration of children from low-income families exceeds 75%, and then the LEA must serve such eligible school attendance areas in rank order; the Senate amendment requires that each LEA receiving part A assistance first serve in rank order schools in which the concentrations of children from low-income families is 75% or greater.

The Senate recedes.

185. The House bill requires that, if funds remain after serving all eligible school attendance areas within which the concentration of children from low-income families exceed 75%, then the LEA must annually rank its remaining eligible school attendance areas from highest to lowest either by grade span or for the entire LEA according to the percentage of children from low-income families, and then serve such eligible school attendance areas in rank order either by grade-span or within the LEA as a whole; the Senate amendment requires that, after the LEA first serves, in rank order, the eligible school attendance areas in which the concentrations of children from low-income families is 75% or greater, the LEA then serve, in rank order, schools in which the concentration of children from low-income families is at least 50% and less than 75%, with rank order determined, at the discretion of the LEA, according to grade span or school, and finally serve in rank order schools in which the concentration of children from low-income families is below 50%, with rank order determined according to grade span or by school.

Open.

186. The House bill requires that the LEA shall use as the measure of poverty, with respect to all school attendance areas in the LEA, either (1) the number of children ages 5 to 17 in the poverty count of the most recent census data approved by the Secretary, (2) the number of children eligible for free and reduced price lunches under the National School Lunch Act, (3) the number of children in families receiving assistance under AFDC, or (4) the number of children eligible to receive medical assistance under the Medicaid program, or (5) a composite of the above poverty indicators; the Senate amendment requires that the LEA shall use the same measure of low-income, with respect to all school attendance areas in the LEA, which the LEA shall choose on the basis of the

best available verifiable data and which may be a composite of several indicators.

The Senate recedes with an amendment inserting "the same measure of low income, which measures shall be" before "the number".

187. The House bill refers to "each area"; the Senate amendment refers to "each such area".

Legislative counsel.

188. The House bill does not apply the ranking and poverty indicator provisions to LEAs with a total enrollment of less than 1,000 students; the Senate amendment does not apply the ranking and poverty indicator provisions nor the allocation requirements to LEAs with a total enrollment of less than 1,000 students but requires that such LEAs serve school attendance areas or schools in rank order according to grade span or school on the basis of the total number of children from low-income families in the grade levels served.

The Senate recedes but the conferees note that the House exemption affects 45% of all school districts. The conferees are concerned that this exemption could result in some rural states, made up almost entirely of school districts with enrollments of less than 1,000 children, not achieving the level of targeting that the conferees intend. However, the conferees also recognize that the Senate language might be difficult to administer or be too inflexible for some small districts to serve the neediest students. Thus, it is the conferees' intent that the Secretary should work with and encourage such districts that receive Title I, Part A funds to target their funds to the neediest schools and students in ways appropriate for smaller districts.

189. The Senate amendment, but not the House bill, does not apply the ranking and poverty indicator provisions nor the allocation requirements to a school participating in a desegregation program where the number of economically disadvantaged children served by the school is equal to or greater than 100 or equal to or greater than 25% of the school's total enrollment.

The House recedes with an amendment giving the Secretary of Education the authority to grant a waiver.

While the House recedes with an amendment giving the Secretary the authority to grant a waiver from the requirement to serve schools in rank order for local educational agencies undergoing desegregation plans, the conferees take particular note of the unique situation of the Omaha, Nebraska School District and the particular need for a waiver under the authority given the Secretary in this legislation. While the waiver authority is permissive, the conferees, in light of the unique circumstances brought to their attention, intend that the Secretary of Education shall grant such a waiver to the Omaha School District.

190. The Senate amendment, but not the House bill, includes a special rule which states that the per pupil amount of funds allocated to each school or school attendance area which falls under the Senate exceptions, above, shall be at least 65% of the per pupil amount of funds the LEA received for that year under the poverty criterion described in the LEA plan, except that this shall not apply to a LEA that only serves schools in which at least 50% of

children enrolled are from low income families, but allows a LEA to reduce the amount of funds allocated by the amount of any supplemental State and local funds expended in the attendance area or school for programs that meet the schoolwide program or targeted assistance school requirements of this part.

The Senate recedes.

191. The House bill, but not the Senate amendment, allows LEAs to designate as eligible any school attendance area or school in which at least 50% of the children are from low-income families.

The Senate recedes.

192. The House bill, but not the Senate amendment, allows LEAs to elect not to serve an eligible attendance area or school that has a higher percentage of children from low-income families if (1) the school meets the comparability requirements of this title, (2) the school is receiving supplemental funds from other State or local sources that are spent according to the schoolwide program or targeted assistance program requirements, (3) the funds expended from State or local sources equal or exceed the amount that would be provided under this part, but, notwithstanding the above, the number of children attending private schools who are to receive services and the assistance they receive under this part shall be determined without regard to whether the public school attendance area in which the private school children reside is passed over under for Title I services.

The Senate recedes.

193. The House bill, but not the Senate amendment, allows LEAs to use funds received to serve eligible children who reside in school attendance areas served under part A and who attend schools in other attendance areas in accordance with a court-ordered desegregation plan or a plan which continues to be implemented in accordance with a district-wide, court-ordered desegregation plan.

The House recedes.

194. The Senate amendment, but not the House bill, includes a subsection heading entitled "Optional Assignment".

The Senate recedes.

195. The House bill refers to "in local educational agencies that have over 900,000 students, to the extent feasible, use"; the Senate amendment refers to "A local educational agency with a total enrollment of greater than 900,000 children may, to the extent feasible".

Both the House and Senate recede.

196. The House bill refers to "serve educationally deprived children"; the Senate amendment refers to "serve children from low income families".

Both the House and Senate recede.

197. The Senate amendment, but not the House bill, includes a subsection heading entitled "In General".

Legislative counsel.

198. The House bill requires that LEAs allocate part A funds to eligible school attendance areas or to eligible schools which are identified under the Allocations and LEA Discretion provisions, in rank order, on the basis of the total number of children from low-

income families in each area or school; the Senate amendment requires that LEAs allocate part A funds to eligible school attendance areas or to eligible schools which are (1) identified as having a concentration of children from low-income families of 75% or greater, in rank order, on the basis of the total number of children from low-income families in each area or school, (2) identified as having a concentration of children from low-income families of less than 75%, in rank order, on the basis of the total number of children from low-income families served in grade levels served in each eligible attendance area or eligible school.

The Senate recedes.

199. The Senate amendment, but not the House bill, includes a paragraph heading entitled "Special Rule".

Legislative counsel.

200. The House bill requires that the per-pupil amount of funds allocated to each school attendance area or school shall be not less than 80% of the per-pupil amount of funds the LEA received under basic grants, concentration grants, and targeted grants to LEAs; the Senate amendment requires that the per-pupil amount of funds allocated to each school attendance area or school shall be at least 65% of the per-pupil amount of funds an LEA received for that year under the poverty criterion that the LEA described in its plan, except this requirement shall not apply to an LEA which only serves schools in which the percentage of low-income children is 50% or greater.

See note 504.

201. The House bill refers to "such school attendance area or school"; the Senate amendment refers to "that school attendance area or school".

Legislative counsel.

202. The Senate amendment, but not the House bill, includes a paragraph heading entitled "Reservation".

Legislative counsel.

203. The House bill refers to "provide the services"; the Senate amendment refers to "those provided".

Legislative counsel.

204. The House bill requires LEAs to reserve funds in order to serve homeless children consistent with section 1115(b)(2)(d) which are provisions regarding homeless children; the Senate amendment requires LEAs to reserve funds to serve eligible homeless children who do not attend participating schools, including, where appropriate, providing educationally related support services to children in shelters.

The House recedes with an amendment moving "where appropriate" to the beginning of (A).

205. The House bill refers to "children in local institutions for delinquent children"; the Senate amendment refers to "children living in local institutions for neglected and delinquent children".

The House recedes.

206. The Senate amendment, but not the House bill, requires LEAs to reserve funds to serve, where appropriate, neglected and delinquent children in community day school programs.

The House recedes.

Schoolwide Programs

207. The Senate amendment, but not the House bill, includes a paragraph heading entitled "In General".

Legislative counsel.

208. The House bill refers to "to upgrade"; the Senate amendment refers to "in order to upgrade".

Legislative counsel.

209. The House bill refers to "in an eligible school"; the Senate amendment refers to "a school described in subparagraph (A) or (B)".

Legislative counsel.

210. The House bill refers to "meet the following criteria"; the Senate amendment refers to "meets either of the following criteria".

Legislative counsel.

211. The House bill allows schools to operate schoolwide programs if, for school year 1995–96 the school serves an eligible school attendance area where at least 65% of the children are from low income families or where at least 65% of the children enrolled in the school are from low income families, and, for school year 1996–97 and thereafter, the qualifying percentage shall be 60%; the Senate amendment allows schools to operate schoolwide programs if the school serves an eligible school attendance area where at least 30% of the children are from low income families and are eligible for a free or reduced price lunch or show evidence of poverty by other criteria, and where at least 30% of the children enrolled are from families meeting the above criteria.

The Senate recedes with an amendment making school wide eligibility 60 percent for the school year 1995–96 and 50 percent for school year 1996–97 and thereafter.

212. The House bill, but not the Senate amendment, requires that an LEA can only start new schoolwide programs after the SEA provides written information to the LEA that demonstrates that the State has established the statewide system of support and improvement that is required by this title and if the State describes how it has the capability to provide on-site assistance (if necessary) to each eligible school.

The Senate recedes with an amendment redrafting (B) to read "a school that wants to initiate a schoolwide program prior to the establishment of the statewide system of support and improvement required in section 1117(c)(1) and (e), shall demonstrate to the local educational agency that it has received high quality technical assistance and support from other providers of assistance such as comprehensive technical assistance centers, regional laboratories, institutions of higher education, educational service agencies or other local consortia". Also delete "(2) the provisions of paragraph (1) notwithstanding."

213. The Senate amendment, but not the House bill, states that no schoolwide program school shall be required to identify particular children as eligible to participate in a schoolwide program or to provide supplemental services to such children.

The House recedes with an amendment inserting "under this part" after "such children."

214. The House bill refers to "A schoolwide program school shall use such funds"; the Senate amendment refers to "A school

participating in a schoolwide program shall use funds available to carry out this section".

Legislative counsel.

215. The Senate amendment, but not the House bill, includes a paragraph heading entitled "Special Rule".

Legislative counsel.

216. The House bill allows schoolwide program schools to use funds received from any USED formula grant program (except IDEA) and from any discretionary program (which is contained on a list issued by the Secretary) to support a schoolwide program; the Senate amendment allows, except as provided in the Components of Schoolwide provisions, the Secretary to publish a Federal Register notice which exempts schoolwide programs from statutory or regulatory provisions of any USED formula or discretionary grant program (except IDEA formula or discretionary programs) to support schoolwide programs.

The House recedes.

217. The Senate amendment, but not the House bill, states that the Federal Register notice shall not be subject to the requirements in section 431 of GEPA or section 553 of title 5 of the U.S. Code.

The Senate recedes.

218. The Senate amendment, but not the House bill, states that a school which chooses to use other program funds in the schoolwide program shall not be relieved of the requirements relating to health, safety, civil rights, gender equity, student and parental participation and involvement, services to private school children, maintenance of effort, comparability of services, uses of Federal funds to supplement, not supplant non-Federal funds, or the distribution of funds to States or local educational agencies that apply to the receipt of funds from such programs.

The House recedes.

219. The Senate amendment requires that schoolwide program schools use not less than 10% of their Title I funds to carry out professional development activities except that a school may enter into consortia, and the 10% set-aside requirement shall not apply to a school if 10% of the funds the school receives is equal to less than $5,000; the House bill requires that schoolwide program provide intensive and sustained professional development for teachers, principal, and other staff, including aides, in accordance with the provisions in section 1119 (Professional Development) of the House bill (see notes 235 and 443).

The House recedes with an amendment rewriting the language to read as follows:

"Each school receiving funds under this part for any fiscal year shall devote sufficient resources to effectively carry out the professional development activities described in subsection (b)(1)(D), and consistent with section 1119, for such fiscal year, except that a school may enter into a consortium with another school to carry out such activities."

Amend the program improvement provisions in section 116 to include the following:

* * * * * * *

Include in section 1119 the following:

"No State Educational Agency shall require a school to expend for professional development activities a specific amount of funds except that this part shall not apply with respect to section 1116(d)(6)."

220. The Senate amendment, but not the House bill, includes a paragraph heading entitled "In General".

Legislative counsel.

221. The House bill refers to "State's standards"; the Senate amendment refers to "State content standards and the State student performance standards described in section 1111(b)(1)".

The House recedes.

222. The House bill refers to "performance standards"; the Senate amendment refers to "levels of performance described in section 1111(b)(1)(A)".

The House recedes with an amendment inserting "student" before "performance".

223. The House bill refers to "based on research on effective means"; the Senate amendment refers to "based on effective means".

The House recedes.

224. The House bill, but not the Senate amendment, requires that schoolwide program uses effective instructional strategies which may include the integration of vocational and academic learning (including applied learning and team teaching strategies).

The Senate recedes.

225. The House bill gives, as an illustrative example of increasing time and learning, providing an extended school year and before-and-after school programs and opportunities; the Senate amendment allows, in addressing the needs of all children, schoolwide programs to offer after school and summer programs, and places these provisions in another part of the section.

The Senate recedes with an amendment inserting "and summer" before "programs".

226. Both the House bill and the Senate amendment require that schoolwide programs help provide an enriched and accelerated curriculum, but the House bill also requires that the curriculum should incorporate gender-equitable methods and practices, but the House bill states that such curriculum should be provided instead of remedial drill and practice, and the Senate amendment places the gender equity language in another part of the section.

The Senate recedes with an amendment adding "and that include strategies in meeting the educational needs of historically underserved populations, including girls and women".

227. The Senate amendment, but not the House bill, refers to "economically disadvantaged children" and "children with disabilities".

The House recedes with an amendment striking categories of children.

228. Both the House bill and the Senate amendment require that schoolwide programs address how the school will determine if the needs of special populations have been met, but the bills place the requirement in different parts of the section.

Legislative counsel.

229. The House bill, but not the Senate amendment, requires that schoolwide programs describe the current program being offered to LEP students.

The House recedes.

230. The House bill, but not the Senate amendment, requires that schoolwide programs address how the school will build upon, expand, or coordinate the schoolwide program with the current program.

The House recedes.

231. The Senate amendment states that, in addressing the needs of all children, schoolwide programs may include counseling, pupil services and mentoring services, college and career counseling awareness and preparation, services to prepare students for the transition from school-to-work; the House bill includes similar activities, but specifies that such activities must be carried out in schools serving children beyond grade six.

The House recedes with amendments adding references to comprehensive career development, occupational information, and occupational skills, personal finance education and other matters from the House bill.

232. The Senate amendment states that, in addressing the needs of all children, schoolwide program may include services to assist preschool children in transition from early childhood programs to elementary school programs; the House bill requires that schoolwide programs carry out similar activities.

The Senate recedes.

233. The House bill refers to "State and local reform plans"; the Senate amendment refers to "State and local improvement plans".

The House recedes.

234. The House bill requires that schoolwide programs provide intensive and sustained professional development for teachers, principal, and other staff, including aides; the Senate amendment requires that schoolwide programs provide ongoing professional development for teachers, pupil services personnel, parents, principals, and other staff.

The House recedes with an amendment adding a reference to section 1119 and inserting "and aides, where appropriate" and striking "ongoing".

235. The House bill requires that professional development be provided in accordance with the provisions in section 1119 (Professional Development) of the House bill; and Senate amendment requires that professional development be provided in accordance with the 10% set-aside provision.

The Senate recedes.

236. The House bill refers to "State's performance standards"; the Senate amendment refers to "State's student performance standards.

The House recedes.

237. The Senate amendment requires that professional development activities be jointly developed by the principal, teachers, and other staff of each school; the House bill has similar requirements in section 1119.

The Senate recedes.

238. The House bill refers to "strategies to increase parental involvement, including family literacy services"; the Senate amendment refers to "parental involvement in accordance with section 1116".

The Senate recedes with an amendment changing "including" to "such as".

239. The House bill requires that schoolwide programs include plans for assisting preschool children in the transition from early childhood programs, such as Head Start, Even Start, or a State-run preschool program, to elementary school; the Senate amendment includes a similar provision, but it is an allowable activity, and it does not reference specific programs.

The Senate recedes.

240. The House bill requires schoolwide program serving children beyond grade six to provide counseling and mentoring services, college and career awareness, exploration, and preparation programs, and services to prepare students for the transition from school to work; the Senate amendment has similar provisions, but they are allowable activities and are not limited to schools serving children beyond grade six.

The House recedes with an amendment moving certain provisions to schoolwide project components.

241. The Senate amendment, but not the House bill, requires schoolwide programs to include the development and use of teacher selected assessments as described in the LEA plan.

The House recedes with amendment striking development and use of teacher selected" and inserting "measures to include teachers in decisions regarding the use of" before "assessments."

242. The Senate amendment, but not the House bill, requires that schoolwide programs include measures to ensure that students who experience difficulty mastering any of the State standards during the course of the school year will be provided with additional assistance which shall include (1) measures to ensure that the student's difficulties are identified on a timely basis and to provide information on which to base the assistance, (2) periodic training for teachers in how to identify such difficulties and provide assistance (to the extent feasible), and (3) for any student who has not met the standards, teacher parent conferences.

The House recedes with an amendment changing "Measures" to "Activities".

243. The Senate amendment, but not the House bill, includes a paragraph heading entitled "Plan".

Legislative counsel.

244. the Senate amendment, but not the House bill, allows schoolwide program schools to amend a plan that was in existence before the enactment of the Improving America's Schools Act.

The House recedes.

245. The House bill, but not the Senate amendment, requires that the schoolwide program plan to be developed in consultation with the school's support team or other technical assistance provider.

The Senate recedes.

246. The House bill refers to "such components"; the Senate amendment refers to "those components".

Legislative counsel.

247. The House bill requires schoolwide program plans to describe how the school will provide "individual student assessment results"; the Senate amendment requires schoolwide program plans to describe how the school will provide "valid and reliable individual student assessment results".

The Senate recedes.

248. The Senate amendment requires schoolwide program plans to provide for statistically reliable data on the achievement and assessment results of economically disadvantaged children disaggregated by gender, major ethnic or racial groups, children with disabilities, and, where appropriate, LEP children; the House bill has a similar provision in its standards and assessment requirements.

The House recedes with an amendment requiring statistically sound results.

249. The House bill refers to "a review of the schools instructional practices in the context of available research on effective instructional and school improvement practices"; the Senate amendment refers to "effective instructional and school improvement practices".

The House recedes.

250. The House bill requires that the comprehensive plan be developed "during a one-year period"; the Senate amendment requires that the comprehensive plan be developed "over a one-year period";

The Senate recedes.

251. The House bill, but not the Senate amendment requires that the technical assistance providers provide recommendations to the LEA on whether or not a school's schoolwide plan can be developed in less time that a one-year period.

The Senate recedes with an amendment striking "based on" and inserting "after considering".

252. The House bill refers to "it"; the Senate amendment refers to "such school".

Legislative counsel.

253. The House bill refers to "at the time this section takes effect"; the Senate amendment refers to "on the day preceding the date of enactment of the Improving America's Schools Act of 1994".

Legislative counsel.

254. The House bill refers to "such program"; the Senate amendment refers to "that program".

Legislative counsel.

255. The House bill refers to "during the first year"; the Senate amendment refers to "during the first year of assistance under such Act".

Legislative counsel.

256. The House bill requires that the schoolwide plan be developed with the involvement of the community to be served and individuals who will carry it out (including teachers, principals, other staff, parents, and students if the plan is carried out in secondary schools); the Senate amendment requires that the plan be developed by a schoolsite council composed of those individuals who will

implement the plan (including teachers, pupil services personnel, parents, principals, and other staff).

The Senate recedes with an amendment inserting "and where appropriate, pupil services personnel, and".

257. The Senate amendment, but not the House bill, requires that the plan be in effect for the duration of the school's participation under this part.

The House recedes.

258. The House bill refers to "made available"; the Senate amendment refers to "available".

Legislative counsel.

259. The Senate amendment, but not the House bill, requires that the schoolwide plan be made available to the LEA.

The House recedes.

260. The House bill refers to "with the information"; the Senate amendment refers to "and the information".

Legislative counsel.

261. The House bill refers to "translated"; the Senate amendment refers to "shall be translated".

Legislative counsel.

262. The House bill, but not the Senate amendment, requires that the schoolwide plan be developed, where appropriate, in coordination with programs under the School-to-Work Opportunities Act, the Perkins Vocational and Applied Technology Act, and the National and Community Service Trust Act.

The Senate recedes.

263. The House bill, but not the Senate amendment, includes a subsection on accountability which requires (1) that schoolwide programs shall be subject to school improvement for failure to make adequate progress for two consecutive years, (2) that schoolwide programs in program improvement which have not made adequate progress by the third year following program improvement identification shall be subject to corrective action and where appropriate termination of its status as a schoolwide program, and (3) that a school that has forfeited its schoolwide status may not regain such status until the LEA determines that the school has adequately reformed its schoolwide program plan to enable it to make adequate progress toward meeting the State's challenging performance standards.

The Senate recedes with amendments deleting (2) and moving (3) to another place in the bill, and rewriting (1) to read "A school with a school-wide project shall be subject to the school improvement provisions of Section 1116."

Targeted Assistance Schools

264. The House bill refers to "schools selected to participate under section 1113"; the Senate amendment refers to "schools selected to receive funds under section 1113(c)".

Legislative counsel.

265. The House bill refers to "a schoolwide program" in two places; the Senate amendment refers to "a schoolwide program under section 1114" and "such a schoolwide program".

Legislative counsel.

266. The House bill requires targeted assistance schools to provide services only to eligible children who are identified as having the greatest need for special assistance; the Senate amendment requires targeted assistance schools to provide services only to economically disadvantaged children identified by teachers, in consultation with parents, administrators, and pupil services personnel, as having the greatest academic need for special assistance.

The Senate recedes.

267. The Senate amendment, but not the House bill, includes a paragraph heading entitled "Eligible Population".

Legislative counsel.

268. The House bill defines the eligible population to be (1) children up to age 21 who are entitled to a free public education through grade 12 and (2) children who are not yet at a grade level where the LEA provides a free public education yet are of an age where they can benefit from an instructional program; the Senate amendment encompasses the House definition of eligible population, but specifies that the child must be economically disadvantaged as well as meet the House criteria, and includes in the eligible population economically disadvantaged children who are also disabled, limited-English proficient, or a migrant.

The Senate recedes.

269. The House bill defines eligible children as children who are in the eligible population who are identified by the school as failing, or most at risk of failing to meet the State's performance standards on the basis of objective criteria established by the LEA, except that children from preschool through grade 2 shall be selected solely on the basis of criteria such as teacher judgment, interviews with parents, and developmentally appropriate methods; the Senate amendment covers the "definition" of eligible children in its definition of eligible population.

The Senate recedes.

270. The House bill allows children receiving services to overcome a disability or limited English proficiency to be eligible for services in targeted assistance schools on the same basis as other children who are selected for services under this part; the Senate amendment makes children who are disabled and LEP children eligible for services if they are also economically disadvantaged.

The Senate recedes with amendment changing "receiving services to overcome a disability" to "with"; inserting "children" before "are eligible" and adding "migrant and economically disadvantaged children."

271. The Senate amendment, but not the House bill, includes a paragraph heading entitled "Special Rule".

Legislative counsel.

272. The House bill states that funds received under this part may not be used to provide services that are otherwise required by law to make available to disabled children and LEP children; the Senate amendment states that funds received under this part may not be used to provide services that are otherwise required by law to be made available to children who received services under Neglected and Delinquent during the 2 preceding years, homeless children attending school in the LEA, and children who participated in Head Start or Even Start during the 2 preceding years,

but allows that funds received under this part may be used to coordinate or supplement such services.

The Senate recedes with an amendment adding at the end "but may be used to coordinate or supplement such services".

273. Both the House bill and the Senate amendment allow children who, in the 2 preceding years, participated in Head Start or Even Start to be automatically eligible for services under this part, but the House bill also allows children who, in the 2 preceding years, participated in a State-run preschool program.

The House recedes.

274. The House bill allows children who during the 2 preceding years received services under part D (N&D) to be eligible for services under this part; the Senate amendment requires that such a child be automatically eligible to receive services under this part.

The Senate recedes.

275. The House bill, but not the Senate amendment, requires that any child in a local institution for neglected and delinquent children or attending a community day program for such children is eligible for services under this part.

The Senate recedes with an amendment changing "is" to "may be".

276. The House bill requires that services under this part be provided to eligible homeless children who attend a school in an LEA which receives title I funds, and to the extent feasible, requires an LEA to use part A funds to serve eligible homeless children who attend schools in noneligible attendance areas, including providing educationally related support services to children in shelters (where appropriate); the Senate amendment requires that homeless children attending any school in the LEA is eligible for services.

The House recedes.

277. The Senate amendment, but not the House bill, includes a paragraph heading entitled "In General".

Legislative counsel.

278. The House bill refers to "to provide all students"; the Senate amendment refers to "to provide for all students served under this part".

The House recedes.

279. The House bill refers to "the State's challenging performance standards"; the Senate amendment refers to "the State's student performance standards in subject areas as determined by the State".

The House recedes.

280. The House bill refers to "its resources"; the Senate amendment refers to "such program's resources".

Legislative counsel.

281. The House bill refers to "the challenging performance standards"; the Senate amendment refers to "such State student performance standards".

The House recedes.

282. The House bill refers to "be based on research on effective means"; the Senate amendment refers to "be based on effective means".

The House recedes.

283. The Senate amendment, but not the House bill, requires that a component of a targeted assistance program shall ensure that planning for students served under this part is incorporated into existing school planning.

The House recedes.

284. The House bill requires that schools use effective instructional strategies, that give primary consideration to providing extended learning time such as an extended school year and before-and-after school programs and opportunities; the Senate amendment requires that schools use effective instructional strategies that increase the amount and quality of learning time.

The Senate recedes with an amendment inserting "and summer".

285. The House bill requires that schools use effective instructional strategies that involve an accelerated, high-quality curriculum, including applied learning, rather than remedial drill and practice; the Senate amendment requires that schools use effective instructional strategies that help provide an accelerated, high quality curriculum.

The House recedes with an amendment inserting "including applied learning" after "curriculum".

286. The House bill requires that schools use effective instructional strategies that minimize removing children from the regular classroom for instruction provided under this part; the Senate amendment requires that schools use effective instructional strategies isolating eligible children from other children in the school during regular school hours.

The Senate recedes with an amendment inserting "during regular school hours" after "classroom".

287. Both the House bill and the Senate amendment require that targeted assistance programs be coordinated with and support the regular education program, but the House bill states that targeted assistance program should support the regular program in providing an enriched and accelerated curriculum for eligible children.

The House recedes.

288. The Senate amendment allows targeted assistance programs, in supporting the regular education program, to include (1) counseling, mentoring and other pupil services, (2) college and career awareness and preparation services, and (3) services to prepare students for the transition from school to work; the House bill has similar provisions, but requires that such services be provided in participating schools serving children beyond grade six.

The House recedes with amendments adding references to comprehensive career development, occupational information, and occupational skills, personal finance, and other matter from the House bill.

289. The Senate amendment allows targeted assistance programs, in supporting the regular education program, to include services to assist preschool children in the transition from early childhood programs to elementary school programs; the House bill requires that similar services be included as a component of a targeted assistance program.

The House recedes.

290. The House bill refers to "highly qualified professional staff"; the Senate amendment refers to "highly qualified staff".

The House recedes.

291. The House bill requires targeted assistance schools to provide opportunities for intensive and sustained professional development; the Senate amendment requires such schools to provide opportunities for ongoing professional development to the extent the school determines feasible.

The House recedes with an amendment adding a cross reference to section 1119, and striking "ongoing".

292. The House bill requires targeted assistance programs to provide strategies to increase parental involvement including family literacy services; the Senate amendment requires targeted assistance programs to provide opportunities for parental involvement in accordance with section 1116.

The Senate recedes with an amendment changing "including" to "such as".

293. The House bill requires targeted assistance programs to provide plans for assisting preschool children in the transition from early childhood programs, such as Head Start, Even Start, or a State-run preschool program, to local elementary school programs; the Senate amendment allows targeted assistance programs, in supporting the regular education program, to include services to assist preschool children in the transition from early childhood programs to elementary school programs.

294. The House bill requires targeted assistance programs serving children beyond grade 6, in coordination with funds available from other programs and (as appropriate) drawing on private and public organizations to include (1) counseling and mentoring, (2) college and career awareness and preparation services; and (3) services to prepare students for the transition from school to work; the Senate amendment allows targeted assistance programs, in supporting the regular education program, to provide such services, but does not limit services to schools serving children beyond grade six (see note).

The House recedes with an amendment adding items from the House list in "Components of a Targeted Assistance School Programs".

295. The Senate amendment, but not the House bill, includes a paragraph heading entitled "Requirements".

Legislative counsel.

296. The House bill requires targeted assistance schools to develop a plan (in consultation with the LEA) to assist participating children to meet the State's "proficient" and "advanced" performance standards, and then outlines the plan requirements; the Senate amendment requires targeted assistance schools to assist participating children to meet the State's proficient and advanced levels of performance, and then lists what schools must do.

The House recedes.

297. The House bill, but not the Senate amendment, requires the school plan to describe the selection of children to participate in the program.

The House recedes.

298. The House bill requires the school plan to describe the program to be conducted that incorporates the targeted assistance program components that are outlined in the House bill and how resources will be coordinated with other resources to enable the children served to meet the State's standards; the Senate amendment requires targeted assistance programs to coordinate Title I resources with other resources to enable children served to meet the State content standards and the State student performance standards.

The House recedes.

299. The House bill, but not the Senate amendment, requires the school plan to describe how the school will review, on an ongoing basis, the progress of participating children and revise the program, if necessary, to provide additional assistance to enable children to meet the State's standards, and then gives a list of examples of this.

The Senate recedes with an amendment changing "review" to "reviewing" and "revise" to "revising" and moving to the assurances list, and an amendment not requiring a plan.

300. The House bill, but not the Senate amendment, requires the school plan to describe why, if a school is eligible to operate a schoolwide program, it choose not to do so.

The House recedes.

301. The Senate amendment requires targeted assistance schools to provide individual student assessment results, including an explanation of those results, to the parent of any child who participates in the assessment; the House bill has a similar requirement in its standards and assessment provisions.

The Senate recedes.

302. The House bill, but not the Senate amendment, requires that school plans, developed before a State has adopted standards and a set of assessments that meet the criteria in section 1111, shall be based on an analysis of available data on the achievement of participating children and a review of the school's instructional practices in the context of available research on effective instructional practices.

The House recedes.

303. The House bill, but not the Senate amendment, requires that (1) school plans be developed with the involvement of the community to be served and the individuals who will carry it out, (2) each plan be approved by LEA and made available to parents (translated, to the extent feasible, into the parent's native language), and (3) each plan be reviewed and revised, as necessary, by the school.

The House recedes.

304. The House bill refers to "staff paid with funds"; the Senate amendment refers to "staff supported with funds".

Legislative counsel.

305. The Senate amendment, but not the House bill, requires that nothing in this section shall be construed to prohibit a school from serving students served under this section simultaneously with students with similar educational needs, in the same educational settings, where appropriate.

The House recedes.

306. The Senate amendment allows targeted assistance schools, (1) if health, nutrition, and other social services are not otherwise available to children in those schools, (2) if the school has engaged in a comprehensive needs assessment and established a collaborative partnership with local service providers, and (3) if funds are not reasonably available from other public or private sources, to use Part A funds as a last resort in providing health, nutrition, and other social services; the House bill creates a separate authority under Title X of ESEA which allows LEAs to use up to 5% of other ESEA program funds for coordinated services activities (see the house Title X side-by-side).

The House recedes with amendments inserting "a portion of the" before "funds" in (1) and "necessary to assist" before for teachers in (1)(C).

307. The Senate amendment requires targeted assistance schools to use not less than 10% of their Title I funds to carry out professional development activities except that a school may enter into consortia, and the 10% set-aside requirement shall not apply to a school if 10% of the funds the school receives is equal to less than $5,000; the House bill requires targeted assistance programs to provide, with Title I resources and with other sources, opportunities for intensive and sustained professional development (in accordance with section 1119) for administrators and for teachers and other school staff who work with participating children in Title I programs or in the regular education program.

The House recedes with an amendment.

School Choice

308. The House bill, but not the Senate amendment, allows LEAs receiving Part A funds, after developing a plan, to develop and implement school choice programs for children eligible for Title I assistance which allow parents to select the public school receiving Title I funding that their children will attend.

The Senate recedes with amendments striking "other Federal"; adding a provision that both the sending school and receiving school need to be in agreement on allowing the child to transfer schools; adding a provision that funds may not be used under this part to provide transportation; and adding a provision that the choice program must comply with all provisions of this part.

Assessment and School and Local Educational Agency Improvement

309. The House bill provides that local educational agencies use state assessments to review annually whether schools served under this part are making adequate progress, as defined in section 1111(b)(2)(A)(i) or section 1112(b)(2) toward enabling students to meet the state's performance standards; the Senate amendment contains a similar provision with adequate progress defined in section 1111(b)(2)(A)(i) for meeting the "State's student performance standards described in the State plan" and other technical differences.

The House recedes.

310. The House bill refers to "measures"; the Senate amendment refers to "measures or indicators".

The House recedes.

311. The House bill provides that local educational agencies disseminate to teachers and others the results of the annual review under paragraphs (1) and (2) in individual student profiles; the Senate amendment contains a similar provision adding "other staff" to the list of those the information is to be provided and a different cross reference.

The House recedes with an amendment clarifying that the data provided should be statistically sound and disaggregated.

312. The House bill provides that the results of the annual review be given to schools so they can refine their program of instruction to help all children in such schools to meet the State's high performance standards; the Senate amendment provides that the review be given to schools so that "local educational agencies" can refine the program to help all children "served under this part" meet the State's "student performance standards" and other drafting differences.

The House recedes with an amendment striking "the local educational agency" and inserting "schools".

313. The House bill, but not the Senate amendment, provides that state educational agencies and local educational agencies receiving funds shall designate distinguished schools in accordance with section 1117.

The Senate recedes.

314. The Senate amendment, but not the House bill, includes a paragraph heading "In General".

Legislative counsel.

315. Both the House bill and Senate amendment shall identify for program improvement any school that has been in school improvement for at least two consecutive years with drafting difference and two different cross references to current law of which only one can be correct.

Legislative counsel.

316. The House bill refers to schools that have not made adequate progress as defined in sections 1111(b)(2)(A)(i) or 1112(b) Technical difference only (2), as appropriate for two years; the Senate amendment refers to adequate progress as defined in section 1111(b)(2)(A)(i).

The House recedes.

317. Both the House bill and the Senate amendment provide that a school not be identified for school improvement if virtually all students meet the State's advanced performance standards with technical differences.

The House recedes.

318. The Senate amendment, but not the House bill, refers to in the case of a targeted assistance program, such school may be reviewed only on the progress of those students that have been, are, or will be served under this part.

The House recedes with an amendment clarifying a reference to targeted assistance schools.

319. Both the House bill and the Senate amendment refer to a school that has failed to meet the criteria established through its interim procedure for two consecutive years with minor technical differences.

Legislative counsel, including a reference to transitional assessment.

320. The Senate amendment, but not the House bill, includes a paragraph heading entitled "Requirements".

Legislative counsel.

321. The House bill provides that each school revise "its school plan under section 1114 or 1115" in consultation with certain groups including for schoolwide programs school support teams, to improve performance in meeting the state's performance standards; the Senate amendment provides that the school "develop or" revise "a school plan" to meet the "state's student performance standards".

The House recedes.

322. The House bill, but not the Senate amendment, says that the school plan be reviewed in the context of the State's model opportunity-to-learn standards.

The Senate recedes with an amendment striking "including" and inserting in lieu thereof "which may include".

323. The House bill provides that the revised plan be submitted to the local educational agency for approval; the Senate amendment provides that "the plan" be submitted to the local educational agency for approval.

The House recedes with an amendment inserting "or revised plan" after "plan".

324. Both the House bill and Senate amendment provide that schools have the opportunity to provide evidence to the local educational agency before being identified for program improvement with technical differences.

Legislative counsel.

325. The House bill refers to "its identification"; the Senate amendment refers to "such identification."

Legislative counsel.

326. The House bill refers to "would be in error"; the Senate amendment refers to "is in error."

House recedes with amendment to add "due to statistical or other reasons" after "is in error".

327. The House bill refers to "it may"; the Senate bill refers to "such school may."

Legislative counsel.

328. The House bill says the school shall implement its revised plan; the Senate amendment says the school shall implement such school's plan.

The House recedes with an amendment inserting "or revised plan" at the end of (B).

329. The House bill says the local educational agency shall make technical assistance available as identified schools determine why their plan failed to bring about increased achievement and develop and implement revised plans; the Senate amendment says that technical assistance be provided to identified schools as the school develops and implement's such school's plan and has a subparagraph heading.

The House recedes with an amendment adding "or revised plan"

330. The House bill, but not the Senate amendment, says that technical assistance may be provided directly by local educational agencies, through mechanisms authorized under section 1117, or by an institution of higher education, a private nonprofit, an educational service agency, federal technical assistance centers, or by other entities with experience in helping school improve achievement.

The Senate recedes incorporating this provision into paragraph (3) of the Senate provision and other provisions from the House bill concerning illustrating types of technical assistance, but adds "with LEA approval" before "by an institution."

331. The Senate amendment, but not the House bill, includes a paragraph heading entitled "Corrective Action."

Legislative counsel.

332. The House bill, but not the Senate amendment, says that technical assistance and other remedial measures be provided before corrective action is taken.

The Senate recedes.

333. The House bill provides that corrective actions are those listed in the local educational agency plan and adopted in compliance with state law; the Senate amendment provides that corrective actions are those, consistent with State and local law, determined and made public and disseminated by the local educational agency.

The House recedes.

334. The House bill, but not the Senate amendment, says corrective action may include implementing the State's model opportunity-to-learn standards.

The Senate recedes with an amendment: "opportunity to learn standards or strategies developed by such State under Public Law 103–227".

335. The House bill refers to alternative governance arrangements such as the creation of a "charter school"; the Senate amendment includes the creation of a "public charter school" (subclause VII).

The House recedes.

336. The House bill refers to authorizing student transfers to other schools in the local educational agency including "paying for transportation"; the Senate amendment refers to "including transportation costs", and to "other public schools served by the local educational agency" (subclause IX).

The House recedes.

337. The Senate amendment, but not the House bill, provides that corrective action may include withholding funds.

The House recedes.

338. The Senate amendment, but not the House bill, provides that corrective action may include "an aggressive joint plan between the LEA and the school."

The House recedes with an amendment moving the provision to the technical assistance part of this section and deleting "aggressive".

339. The Senate amendment, but not the House bill provides that a corrective action can include interagency collaborative agreements.

The House recedes.

340. The Senate amendment, but not the House bill, provides that a corrective action can include waivers or modifications of LEA policy or regulations.

The House recedes with an amendment moving the provision to the technical assistance part of this section, but it is not the conferees' intent that local education agencies be precluded from waiving or modifying requirements of local education agency policy or regulation as a corrective action if it impedes the ability of a school to educate students.

341. Both the House bill and the Senate amendment refer to terminating schoolwide status but with minor technical differences.

Legislative counsel.

342. The Senate amendment, but not the House bill, provides that certain corrective actions shall not be taken until the state has developed assessments that meet the requirements of section 1111(b).

The House recedes.

343. The Senate amendment, but not the House bill, provides that the local educational agency may refrain from corrective action in certain circumstances.

The House recedes with an amendment inserting "for one additional year" before "to the extent" and striking text, beginning with "such as" through the end of the sentence, and inserting "as determined by the LEA."

344. The Senate amendment, but not the House bill, includes a paragraph heading entitled "State Educational Agency Responsibilities."

Legislative counsel.

345. The House bill refers to technical assistance under section 1117 and the State's standards; the Senate amendment refers to assistance from school support teams and distinguished educators under section 1119 and the State's student performance standards with other technical differences.

The Senate recedes with an amendment changing "furthest" to "farthest" and inserting "student performance" before "standards".

346. The House bill refers to take corrective action which may include actions in compliance with state law to withhold or transfer funds and authority from schools that are failing to make adequate progress; the Senate amendment refers to "take such corrective action as the State educational agency deems appropriate" with other technical drafting differences.

The House recedes with an amendment adding at the end "and which are in compliance with State law".

347. The Senate amendment, but not the House bill, has a paragraph heading.

Legislative counsel.

348. The House bill refers to "performance standards"; the Senate amendment refers to "levels of performance."

The House recedes.

349. The House provides that the state educational agency annually review the progress of each local educational agency receiving funds to determine whether all students in schools receiving assistance are making adequate progress as defined in sections

1111(b)(2)(A)(ii) or 1112(b)(2) toward meeting state performance standards; the Senate amendment has a paragraph heading and provides that the state educational agency determine whether the local educational agency is making adequate progress as defined in sec. 1111(b)(2)(A)(ii) toward meeting the State's student performance standards.

The Senate recedes with an amendment striking "all students in"; and reference to section 1112(b)(2).

350. The House bill requires the SEA to disseminate the results of the State review to teachers, parents, students, and the community; the Senate amendment requires dissemination to LEAs, teachers, and other staff, parents, students, and the community.

The House recedes.

351. The House bill refers to local educational agencies with a school or schools receiving assistance under this part which have exceeded the State's definition of adequate progress as defined by the State or local educational agency, as appropriate; the Senate amendment has a paragraph heading and refers to a local educational agency that has met or exceeded the State's definition of adequate progress.

The House recedes. It is not the intent of the managers to reward local educational agencies that are, in the aggregate doing well, but that have a number of individual schools that are not.

352. The House bill provides that the State agency shall identify for program improvement any local educational agency that for two consecutive years has a school or schools receiving assistance under this part that are not making adequate progress towards meeting the State's performance standards; the Senate amendment has a subparagraph heading and provides that the State educational agency shall identify local educational agencies not making adequate progress in schools served under this part toward meeting the State's student performance standards.

The House recedes.

353. The Senate amendment, but not the House bill, provides that schools served by the local educational agency that are operating targeted assistance programs may be reviewed on the basis of the progress only of those students served.

The House recedes with amendment changing the wording from "not operating schoolwide programs" to "operating targeted assistance programs".

354. The House bill refers to "its interim procedure;" the Senate amendment refers to "its transitional procedure" with different cross references.

The House recedes.

355. The Senate amendment, but not the House bill, says that the local educational agency be provided the opportunity to provide evidence that identification for program improvement is in error.

The House recedes with amendment including "due to statistical or other substantive reasons".

356. The House bill provides that an identified local educational agency revise its plan to improve the performance of its schools in meeting the State's performance standards; the Senate

amendment has a paragraph heading and provides that the revision improve the performance of "schools served by the local educational agency" in meeting the state's "student" performance standards.

The House recedes with an amendment inserting at the end of paragraph (4) "including determining why the local educational agency's plan failed to bring about increased achievement".

357. The House bill, but not the Senate amendment, provides that the plan be reviewed in the context of the State's model opportunity-to-learn standards and that the plan be submitted to the state educational agency for approval.

The Senate recedes with an amendment striking "including" and inserting in lieu thereof "which may include".

358. The House bill, but not the Senate amendment, provides that the State educational agency determine why the local educational agency plan failed to bring about increased achievement.

The House recedes.

359. The House bill refers to technical assistance, if requested, as authorized under section 1117 to better enable the LEA to develop and implement its revised plan; the Senate amendment has a paragraph heading and refers to technical assistance be provided to better enable the LEA to develop and implement the local educational agency's revised plan.

The Senate recedes.

360. The House bill provides that technical assistance under section 1117 (which provides for school support teams and distinguished schools and educators) be provided to local educational agencies furthest from meeting the state's standards; the Senate amendment provides that assistance be provided from school support teams and distinguished educators under section 1119.

The Senate recedes with an amendment changing "furthest" to "farthest" and inserting related matter from another part of the bill.

361. The House bill, but not the Senate amendment, states that technical assistance may be provided directly by the state educational agency directly, and institution of higher education, a private nonprofit, a technical assistance center, an educational service agency, or other entity with experience in assisting local educational agencies improve achievement.

The Senate recedes.

362. The Senate amendment, but not the House bill, has a paragraph heading.

Legislative counsel.

363. The House bill, but not the Senate amendment, requires that technical assistance and other remediation measures be provided before a state educational agency takes corrective action against a local educational agency.

The Senate recedes.

364. The House bill refers to corrective actions listed in the State educational agency plan adopted in compliance with State law; the Senate amendment refers to those, consistent with State law, determined and made public and disseminated by the State educational agency.

The House recedes. The conferees intend the type of corrective action to be a state decision and do not intend this list to be exhaustive. It is also the conferees' intent that the Secretary may not take any adverse action against an SEA based on the specific type of corrective action it elects to undertake, unless it is inconsistent with state law.

365. The House bill, but not the Senate amendment, includes implementing the State's model opportunity-to-learn standards in its list of examples of corrective actions.

The Senate recedes with an amendment: "opportunity to learn standards or strategies developed by such State under Public Law 103–227".

366. The House bill refers to "reconstitution of district personnel." The Senate amendment refers to "reconstitution of school district personnel (subclause V).

Legislative counsel.

367. The House bill refers to appointment by the State educational agency of a receiver or trustee to administer the affairs of the local educational agency in place of the superintendent or school board; the Senate bill refers to appointment by the State educational agency of a representative to implement, in conjunction with the local educational agency, a program improvement plan (VI).

The Senate recedes.

368. The House bill, but not the Senate amendment, refers to the abolition or restructuring of the local educational agency.

The Senate recedes.

369. The Senate amendment, but not the House bill, refers to withholding of funds and an aggressive joint plan between the state and local educational agency that addresses student performance levels.

The House recedes with an amendment deleting "aggressive".

370. The Senate amendment, but not the House bill, refers to interagency collaborative agreements between the local educational agency and other public agencies to provide, health, pupil services, and other social services.

The House recedes with an amendment to move the language to the technical assistance section but it is not the conferees' intent that state education agencies be precluded from establishing interagency or collaborative agreements or from undertaking this activity in the course of taking corrective actions.

371. The Senate amendment, but not the House bill, refers to waivers or modifications of State law or regulation that impede the ability of a local educational agency to educate students.

The House recedes with amendment to move the language to the technical assistance section but it is not the conferees' intent that state education agencies be precluded from undertaking this activity in the course of taking corrective actions.

372. The House bill refers to removal of particular schools from the jurisdiction of the local educational agency and establishment of alternative arrangements for governing and supervising such schools; the Senate amendment has a similar provision and refers to "public governance and supervision of such schools, including contracts with private management companies".

The Senate recedes with an amendment striking "governing and supervising" and inserting "public governance and supervision".

373. The House bill refers to authorizing of students to transfer from 1 local educational agency to another; the Senate amendment refers to authorizing students to transfer to another public school including the cost of transportation.

The Senate recedes.

374. The Senate amendment, but not the House bill, refers to contracting out the management of troubled schools to private management firms.

The Senate recedes.

375. The Senate amendment, but not the House bill, says corrective action shall not include certain actions until the State has developed assessments that meet the requirements of paragraph (3)(e).

The House recedes.

376. The Senate amendment, but not the House bill, says that prior to implementing any corrective action, the State educational agency shall provide due process, including a hearing to an LEA and may refrain from such corrective action to the extent that failure to make progress can be attributed to extenuating circumstances.

The House recedes with amendment adding "if State law provides," and modifying the last part to read "as determined by the State educational agency."

377. The Senate amendment, but not the House bill, has a paragraph heading.

Legislative counsel.

378. The House bill establishes a process for determining the amount a State shall be eligible to receive, except that each state shall receive at least $180,000 or $30,000 in the case of Guam, American Samoa, the Virgin Islands, the Northern Marianas, and Palau (until the Compact of Free Association goes into effect.) The Senate amendment, in section 1702, provides for a set-aside of funds for States, with separate requirements for small States and outlying areas.

The Senate recedes with an amendment striking "under such sections" through the end of the provision and inserting "and outlying areas" in lieu thereof.

379. The Senate amendment, but not the House bill, permits the Secretary to deem an alternative accountability system as meeting the requirements of this section if a State has developed such a system for all children that is as rigorous as the system required by this section.

The Senate recedes.

380. The Senate amendment, but not the House bill, says nothing in this section shall be construed to alter or otherwise affect the rights afforded school or school district employees under federal, state, or local laws or under the terms of collective bargaining agreements and other agreements.

The House recedes.

State Assistance for School Support and Improvement

381. Both the House bill and Senate amendment say that state educational agencies shall establish a statewide system of support and improvement for schools under this title. The House bill refers to "all schoolwide programs and all schools", the Senate amendment refers to schoolwide programs and schools.

The Senate recedes.

382. The House bill, but not the Senate amendment, states that the sustained support should be established in order to increase the opportunity for all students in such schools to meet the State's content and performance standards.

The Senate recedes.

383. The House bill says funds appropriated pursuant to section 1002(6) shall be used for this section and funds under section 1002(1) and other funds may be used to meet such requirement; the Senate amendment says state administration funds and at the discretion of the local educational agency, local educational agency funds under this part may support school support teams.

The Senate recedes with an amendment striking "and notwithstanding section 1002(1)" and "or local" and inserting "State administrative" before "funds", and adding at the end "a local educational agency may use funds made available under section 1002(1) and other available funds to meet such requirements."

384. The House bill, but not the Senate amendment, requires that the statewide system be linked to and receive support and assistance from regional technical assistance centers under Part D of Title II and the regional labs.

The Senate recedes with an amendment striking "be linked to" and inserting "work with".

385. The House bill entitles the subsection Provisions; the Senate amendment entitles the subsection Components and has other minor drafting differences.

Legislative counsel.

386. The House bill refers to "consultation with local educational agencies", "to each schoolwide program and to assist such program in providing an opportunity to all students to meet the State's performance standards"; the Senate amendment refers to "consultation with local educational agencies and schools", "to schoolwide programs or a school in which the number of poor students is 75 percent or more of the total student population and such school is identified in need of improvement".

The House recedes with amendment inserting a new paragraph providing for assistance to high-poverty targeted assistance programs and other programs if sufficient funds are available.

387. The House bill says the teams be composed of individuals with experience in successfully improving the educational opportunities for low-achieving students, especially individuals identified in paragraph (3): the Senate amendment says each team be composed of persons, including teachers, pupil services personnel, representatives of organizations knowledgeable about successful schoolwide projects or comprehensive school reform.

The House recedes with an amendment combining the House and Senate provisions.

388. The House bill refers to individuals knowledgeable about research and practice on teaching and learning, including alternative and applied learning, especially for low achieving students; the Senate amendment refers to "other persons" who are knowledgeable about research and practice on teaching and learning, "particularly about strategies for improving the educational opportunities for eligible children, such as representatives of institutions of higher education, regional education laboratories or research centers, and outside consultant groups.

The House recedes with an amendment changing "eligible children" to "low-achieving students", and adding at the end "and individuals knowledgeable about alternative and applied learning". Also add "including alternative and applied learning" after "teaching and learning".

389. The House bill says the school support team shall work with each school as it develops its schoolwide program plan; the Senate amendment says the team shall work cooperatively with each school and make recommendations as the school develops its schoolwide program plan or school improvement plan.

The House recedes.

390. The House bill refers to during the operation of the schoolwide programs; the Senate amendment refers to during the operation of the schoolwide program or during school improvement activities.

The House recedes.

391. The House bill refers to the State's performance standards; the Senate amendment refers to the States performance standards under this part.

The House recedes.

392. The House bill refers to make suggestions for improvement; the Senate amendment refers to make recommendations for improvement.

The House recedes.

393. Both the House bill and Senate amendment refer to designating schools as distinguished schools if for three years they have exceeded the State's definition of adequate progress with minor technical differences and different cite references.

Legislative counsel.

394. The House bill refers to any school in which virtually all students have met the State's advanced performance standards; the Senate amendment refers to any school in which almost every student has met the State's advanced level of performance.

The Senate recedes.

395. The House bill, but not the Senate amendment, refers to and in which equity in participation and achievement of students by sex has been achieved or significantly improved.

The Senate recedes.

396. The House bill, in subparagraph (B), refers to schools designated under this paragraph; the Senate amendment refers to schools designated as distinguished schools under subparagraph (A).

The Senate recedes.

397. The House bill refers to provide support for other schools; the Senate amendment refers to provide additional assistance to other schools served under this part.

The Senate recedes.

398. The House bill refers to assist such schools in meeting the State's performance standards; the Senate amendment refers to that are not making adequate progress.

The Senate recedes with an amendment inserting "student" and "school".

399. The House bill refers to "schools in program improvement"; the Senate amendment refers to "schools in school improvement".

The House recedes.

400. The House bill says that states shall use funds under 1002(6) to allow schools to carry out the activities described in subparagraph (B); the Senate amendment says a state shall use funds under section 1701(c) (State funds for school improvement should be section 1702) to recognize distinguished schools including monetary awards.

The Senate recedes.

401. The House bill says the state may use such funds to provide awards to schools; the Senate amendment says funds awarded to a distinguished school may be used by the school and has other technical differences.

The Senate recedes.

402. The House bill refers to schoolwide programs; the Senate amendment refers to schools participating in schoolwide programs and has a different cross reference.

Legislative counsel.

403. The House bill refers to meeting the State's performance standards; the Senate amendment refers to the State's student performance standards.

The House recedes.

404. The House bill refers to agencies furthest from meeting the State's standards and schoolwide programs as they; the Senate amendment refers to agencies furthest from meeting the State's student performance standards and to schoolwide programs as such programs.

The House recedes with an amendment changing "furthest" to "farthest".

405. The House bill refers to funds under section 1002(6); the Senate amendment refers to funds made available under section 1701(c) and has a subsection heading.

Legislative counsel.

406. The House bill says if a state has devised; the Senate amendment says the State may devise and has a paragraph heading and a different subsection reference.

The House recedes.

407. The House bill says the State may seek approval from the Secretary to use funds authorized in section 1002(6) for such approaches as part of the State plan; the Senate amendment says and may use funds authorized in section 1701(c) for such approaches.

The Senate recedes with amendment changing the beginning of the first sentence to read "The State may devise" and striking "alternative or".

408. The Senate amendment, but not the House bill, says that paragraphs (1) and (3) shall not apply to a state educational agency if it determines that a local educational agency or school is receiving adequate technical assistance from another source.

The Senate recedes.

Parental Involvement Provisions

409. The House bill, but not the Senate amendment, refers to "(a) In General.—A local educational agency may receive funds under this part only if it implements programs, activities, and procedures, for the involvement of parents and that the activities shall be planned and implemented with meaningful consultation with parents of participating children".

The Senate recedes with an amendment adding "consistent with the provisions of this section" after "title".

410. The House bill refers to "(a) In General.—"; the Senate amendment refers to "(a) Local Educational Agency Policy.—(1) In General"

Legislative counsel.

411. The House bill refers to "(b) Local Educational Agency Policy—"; the Senate amendment refers to "(a) Local Educational Agency Policy—".

Legislative counsel.

412. The House bill refers to "and make available to"; the Senate amendment refers to "and distribute to" when referring to a written parent involvement policy.

The House recedes.

413. The House bill refers to "involve parents in the development of the plan"; the Senate amendment refers to "involve parents in the joint development and approval of the plan".

The House recedes with amendment striking "joint" and "approval" and inserting a new (a)(3): "If the plan described under section 1112 is not satisfactory to the parents of participating children, the local educational agency shall submit any parent comments on the plan when it submits such plan to the state for approval."

414. The House bill refers to "coordinate and integrate parental involvement strategies with parental involvement in other programs including Head Start, Even Start, Parents as Teachers and State-run preschool programs"; the Senate amendment indicates that the plan must "coordinate and integrate parent involvement strategies with those under other programs".

The Senate recedes with an amendment changing "including" to "such as" and inserting "Home Instruction Program for Preschool Youth".

415. The House bill requires that the plan must show how the local educational agency will conduct an annual evaluation of the content and effectiveness of the parental involvement policy with the involvement of parents in increasing the participation of parents to identify barriers to greater participation by parents. The

House bill also requires that the plan must show how the local educational agency gives particular attention to parents who are economically disadvantaged, disabled, have limited-English proficiency, limited literacy, or are of any racial or ethnic minority background and use the findings in designing strategies for school improvement.

The Senate amendment ensures that participating schools (i) review the effectiveness of their parent involvement activities on an ongoing basis; (ii) identify and take steps to remove any barriers to greater parental involvement, including barriers resulting in lower rates of participation in the parent involvement activities by parents who are economically disadvantaged, disabled, have limited literacy, have limited-English proficiency, or are from any racial or ethnic minority background; and (iii) use the findings of such review in designing strategies for school improvement and revising the parent involvement policies, if necessary.

The Senate recedes with amendment inserting after "improvement" the phrase "revising, if necessary, the parent involvement policies described in this subsection and subsection (b)(1).

416. The House bill, but not the Senate amendment, requires that each local educational agency shall reserve, not less than 1 percent under this part, for the purposes of carrying out this section, including family literacy and parenting skills.

The Senate recedes with an amendment adding that where the 1% set-aside would be equal to less than $5,000, the requirement does not apply and that parents will be involved in determining how these funds are spent.

417. The House bill refers to a "School Parental Involvement Plan—"; the Senate amendment refers to a "School Parental Involvement Policy—".

Legislative counsel.

418. The House bill uses "make available to" parents of participating children and also uses "parental" instead of parent in some places. The Senate amendment uses "and distribute to" parents of participating children. The Senate amendment also refers to "Such policy shall be updated periodically to meet the changing needs of parents and the school".

The House recedes.

419. The House bill refers to "If the local educational agency has an agency-wide parental involvement policy that applies to all parents, it may amend such policy, if necessary, to meet the requirements of this subsection"; the Senate amendment includes similar language under a separate heading: "(2) Special Rule.—If the school has a parental involvement policy that applies to all parents, such school may amend that policy, if necessary, to meet the requirements of this subsection".

Legislative counsel.

420. The House bill refers to "If the school has a parental involvement policy that applies to all parents, it may amend such policy, if necessary, to meet the requirements of this subsection"; the Senate amendment includes similar language under a separate heading: "(2) Amendment.—If the local educational agency has a school district-level parental involvement policy that applies to all

parents, such agency may amend that policy, if necessary, to meet the requirements of this subsection".

Legislative counsel.

421. The House bill refers to "parent's rights" to be involved; the Senate amendment refers to "their".

Legislative counsel.

422. The House bill refers to "including the development of the school plan under section 1114 or 1115 or if a school has in place a process for involving parents in the planning and design of its programs, the school may use such process, provided that the process includes an adequate representation of parents of participating children"; the Senate amendment refers to "including the school parental involvement policy and the joint development and approval of the schoolwide program plan under section 1114(b), except that if a school has in place a process for involving parents in the joint planning, design, and approval of its programs, the school may use that process, provided that such process includes an adequate representation of parents of participating children".

The House recedes with amendment striking "and the joint development and approval" and inserting "and development." Also, inserting a new (5): "If the schoolwide program plan under section 1114(b) is not satisfactory to the parents of participating children, the school shall submit any parent comments together with such plan to the local educational agency" and adding a new 1116(c)(5): "If the schoolwide program plan under section 1114(b) is not satisfactory to the parents of participating children, the school shall submit any parent comments when it submits such plan to the local educational agency for approval."

423. The House bill refers to "(B) school performance profiles required under section 1116(a)(2) and individual student assessment results, including an interpretation of such results, required under section 1111(b)(3); the Senate amendment refers to "(B) school performance profiles required under section 1118(a)(3)".

The Senate recedes with an amendment inserting "their own child's" before "assessment results".

424. The House bill refers to "(C) opportunities for regular meetings to formulate suggestions, if such parents so desire"; the Senate amendment refers to "(2) offer a flexible number of meetings, such as meetings in the morning or evening, and may provide, with funds provided under this part, transportation, child care, or home visits, as such services relate to parental involvement.

The House recedes.

425. The House bill refers to "(D) timely responses to parents' recommendations"; the Senate amendment refers to "(E) timely responses to the suggestions described in subparagraph (E)".

The Senate recedes.

426. The Senate amendment, but not the House bill, requires a description and explanation of the curriculum in use at the school, the form of assessment used to measure student progress, and the proficiency levels students are expected to meet.

The House recedes.

427. Both the House bill and the Senate amendment includes a section on "Shared Responsibilities for High Student Performance." The House bill refers to "parental involvement plan"; the Senate amendment refers to "parental involvement policy".

Legislative counsel.

428. The Senate amendment, but not the House bill, includes "served under this part" twice.

The House recedes.

429. Both the Senate amendment and the House bill describe specific components of the shared responsibilities. The House bill refers to "State's challenging performance standards" the Senate amendment refers to "State's student performance standards.

The House recedes.

430. The House bill refers to "his or her children's learning"; the Senate amendment refers to "their children's learning".

Legislative counsel.

431. The House bill refers to "including monitoring attendance"; the Senate amendment refers to "such as monitoring attendance":

The House recedes.

432. The Senate amendment, but not the House bill, includes "served under this part".

The House recedes.

433. The House bill refers to "as it relates" when referring to individual child's achievement; the Senate amendment refers to "as the compact relates".

Legislative counsel.

434. The House bill, requires reasonable access to staff and observation of classroom activities"; the Senate amendment refers to "reasonable access to staff, opportunities to volunteer and participate in their child's class, and observation of classroom activities".

The House recedes.

435. The House bill places "shall" in each sentence in the text of "Building Capacity for Involvement"; the Senate amendment places one "shall" which refers to the other items listed, at the end of the beginning paragraph.

The Senate recedes.

436. The House bill refers to "the State's content and performance standards"; the Senate amendment refers to "the State's content standards and State student performance standards".

The House recedes.

437. The House bill, but not the Senate amendment, includes "opportunity-to-learn standards".

The Senate recedes with an amendment striking "opportunity to learn standards" and inserting in lieu thereof "the provisions of section 1111 of the State plan."

438. The House bill refers to "a child's progress"; the Senate amendment refers to "their children's progress".

Legislative counsel.

439. The Senate amendment, but not the House bill, includes "as well as information on how parents can participate in decisions relating to the education of their children".

The House recedes with an amendment adding "shall" before "provide".

440. Both the House bill and Senate amendment includes a list of requirements for each school and local educational agency for building capacity for involvement. A number of the activities are similar in concept, but use different language. The House bill includes materials and training including coordinating necessary literacy training and training to enable parents to work more effectively with teachers, schools and the school system; and in the case of a school using funds under this part to operate a preschool program, opportunities for parents to learn about child development and child rearing issues beginning at birth.

The Senate recedes.

The House bill further includes activities for building capacity for involvement such as educating teachers, principals and other staff in the value of contributions to parents; developing appropriate roles for community-based organizations and businesses in parent involvement activities; requiring that information be sent to the parents' homes; involving parents in the development of training for educators; may provide necessary literacy training; may pay reasonable and necessary expenses associated with local parental involvement activities; may coordinate and integrate parent involvement programs and activities with other programs; training and supporting parents to involve other parents; arranging meetings at a variety of times in order to maximize the attendance of parents; conducting in-home conferences with parents; and may adopt and implement model approaches to improving parental involvement such as Even Start.

The House recedes with amendment striking "with" and inserting "such as" before "Head Start."

The Senate amendment also includes a list of activities for building capacity for involvement. The Senate amendment provides for materials and training, such as necessary literacy training that is not otherwise available from other sources to help parents work with their children; with the assistance of parents, educating educators about the value and utility of contributions of parents; coordinating and integrating parental involvement with other Federal programs, to the extent feasible; as appropriate and feasible, other activities, such as parent resource centers; and providing other reasonable support for parental involvement activities as parents may request.

The Senate recedes with an amendment combining the provisions and inserting "Part A before Title II of this Act."

441. The House bill refers to "ensure that parents of limited-English proficient children or disabled children be afforded the same access to parental involvement opportunities as their children are afforded to other programs funded under this part, including the provision of information in a language and form that the parents of such children can understand."; the Senate amendment refers to "shall provide full opportunities for the participation of parents with limited English proficiency or with disabilities, including providing information and school profiles in a language and form such parents understand."

The House recedes.

442. The Senate amendment, but not the House bill, includes a Parental Information and Resource Centers provision which requires specific information for parents from the Centers in States where such Centers have been established.

The House recedes.

Professional Development

443. The House bill requires, in a separate section, LEAs receiving Title I assistance to provide high-quality professional development that will improve the teaching of the core academic subjects to enable all children to meet the State's performance standards, and requires that the professional development activities be designed by teachers and other school staff in title I schools; the Senate amendment requires schools receiving assistance to set-aside 10% of their Title I funds for professional development (see notes 219 and 307) and (1) requires, under the schoolwide program section, schoolwide schools to provide ongoing professional development for teachers, pupil services personnel, parents, principals, and other staff to enable all children in the school to meet the State performance standards, and requires that the activities be jointly developed by the principals, teachers, and other school staff of each school, and (2) requires, under the targeted assistance program section, that targeted assistance schools provide opportunities for ongoing professional development to the extent the school determines feasible with Title I resources and other resources for administrators, teachers, and other school staff who work with participating children in targeted assistance programs or in the regular education program. (See notes 235 and 291).

The Senate recedes on having a separate section, and on the 10% set-aside, and with an amendment adding "principals" before "teachers" in paragraph (2), striking "sustained" in paragraph (1).

444. The House bill, but not the Senate amendment, requires that professional development activities support instructional practices that are geared to State content standards.

The Senate recedes.

445. The House bill, but not the Senate amendment, requires that professional development activities create a school environment conducive to high achievement in the core academic subjects, and support LEA plans, schoolwide plans, and targeted assistance plans.

The Senate recedes with amendment striking reference to section 1114 (targeted assistance). The Senate recedes with an amendment striking "recent"; inserting "where possible" after "learning"; striking "are of sufficient intensity and duration to" and inserting "are designed to"; changing "are part of the everyday activities of the school and creates and orientation toward" to "contribute to"; and changing "assist" to "provide technical assistance".

446. The House bill, but not the Senate amendment, requires that professional development activities draw on resources available under this part, Goals 2000, and Title II.

The Senate recedes.

447. The House bill, but not the Senate amendment, requires that professional development activities, where appropriate, include

strategies for developing curricula and teaching methods that integrate academic and vocational instruction.

The Senate recedes with an amendment "where determined appropriated by the local educational agency".

448. The House bill, but not the Senate amendment, requires that professional development activities include strategies for identifying and eliminating gender and racial bias in instructional materials, methods, and practices.

The Senate recedes.

449. The House bill, but not the Senate amendment, allows professional development activities to include instruction in the use of assessments.

The Senate recedes.

450. The House bill, but not the Senate amendment, allows professional development activities to include instruction in the ways that teachers, principals, and school administrators may work more effectively with parents.

The Senate recedes with an amendment adding "pupil services personnel".

451. The House bill, but not the Senate amendment, allows professional development activities to include the forming of partnerships with institutions of higher education to establish school-based teacher training programs for prospective teachers and novices to work with experienced teachers and faculty.

The Senate recedes.

452. The House bill, but not the Senate amendment, allows professional development activities to include instruction in the use of technology

The Senate recedes.

453. The House bill, but not the Senate amendment, allows professional development activities to include the creation of career ladder programs for paraprofessionals.

The Senate recedes.

454. The House bill, but not the Senate amendment, allows professional development activities to include instruction in ways to teach special needs children.

The Senate recedes.

455. The House bill, but not the Senate amendment, allows professional development activities to include instruction in gender-equitable education methods, techniques, and practices.

The Senate recedes.

456. The House bill, but not the Senate amendment, allows professional development activities to include joint professional development activities between Title I and Head Start, Even Start, or State-run preschool program personnel.

The Senate recedes.

457. The House bill, but not the Senate amendment, allows professional development activities to include instruction in experiential-based teaching methods such as service learning.

The Senate recedes.

458. The House bill, but not the Senate amendment, requires programs to be designed so that all school staff in schoolwide program schools can participate in the professional development activities, or so that all staff in targeted assistance schools may participate in professional development activities if their participation will result in better addressing the needs of Title I students.

The Senate recedes with an amendment changing the heading to "PROGRAM PARTICIPATION" and inserting "Local educational agencies are encouraged to design program so that".

459. The House bill, but not the Senate amendment, allows parents to participate in professional development activities if the school determines that such participation would be appropriate.

The Senate recedes.

460. The House bill, but not the Senate amendment, allows LEAs to form consortia to carry out the professional development activities under this part, and lists the entities with whom LEAs can form consortia.

The Senate recedes.

461. The House bill, but not the Senate amendment, allows knowledge of effective teaching strategies gained through Title I professional development activities to be shared with teachers who are not participating in schoolwide or targeted assistance programs.

The Senate recedes with an amendment striking "schoolwide or".

462. The House bill, but not the Senate amendment, allows Title I funds to be combined with Goals 2000 and Eisenhower funds to carry out professional development activities.

The Senate recedes.

463. The House bill, but not the Senate amendment, requires the SEA to review LEA plans to determine if the plans meet certain criteria, and requires the SEA to provide assistance to LEAs whose plans do not meet the criteria to enable them to make progress toward the inclusion of the elements in the LEA professional development plan.

The Senate recedes with an amendment striking "recent" in (B); inserting "where possible" after "learning"; striking "are of sufficient intensity and duration to" and inserting "are designed to"; changing "are part of the everyday activities of the school and creates and orientation toward" to "contribute to"; and changing "assist" to "provide technical assistance".

464. The House bill requires the LEA to meet certain requirements with regard to instructional aides; the Senate amendment requires schoolwide programs to meet requirements with regard to instructional aides.

The Senate recedes.

465. The House bill refers to "high school diploma, a General Education Development certificate"; the Senate amendment refers to "secondary school diploma or its recognized equivalent".

The Senate recedes.

466. The House bill refers to "earn either"; the Senate amendment refers to "earn such diploma or equivalent".

The Senate recedes.

467. The House bill refers to "employment"; the Senate amendment refers to "such employment".

The Senate recedes.

468. The House bill allows a LEA to employ an instructional aide who does not have a high school diploma or GED if the aide possesses proficiency in a language other than English that is needed to enhance the participation of children in Title I programs; the Senate amendment allows schoolwide program schools to employ an instruction aide who does not have a secondary diploma or its equivalent if the aide possesses proficiency in a language other than English that is needed to enhance the participation of children in Title I programs.

The Senate recedes.

469. The House bill requires the LEA to meet certain requirements with regard to instructional aides; the Senate amendment, under the targeted assistance program provisions, requires a program which employs instructional aides to ensure that such aides meet certain requirements.

The Senate recedes.

470. The House bill refers to "high school diploma, a General Education Development certificate"; the Senate amendment refers to "secondary school diploma or its recognized equivalent".

The Senate recedes.

471. The House bill refers to "earn either"; the Senate amendment refers to "earn such diploma or equivalent".

The Senate recedes.

472. The House bill refers to "employment"; the Senate amendment refers to "such employment".

The Senate recedes.

473. The House bill allows an LEA to employ an instructional aide who does not have a high school diploma or GED if the aide possesses proficiency in a language other than English that is needed to enhance the participation of children in Title I programs; the Senate amendment allows targeted assistance programs, to employ an instructional aide who does not have a secondary diploma or its equivalent if the aide possesses proficiency in a language other than English that is needed to enhance the participation of children in Title I programs.

The Senate recedes.

474. The House bill, but not the Senate amendment, requires LEAs receiving Title I assistance to include instructional aides in professional development activities.

The Senate recedes with an amendment inserting "where feasible".

Participation of Children Enrolled in Private Schools

475. Both the House bill and Senate amendment provide for services to eligible children enrolled in private schools with a minor drafting difference and paragraph headings in the Senate amendment.

Legislative counsel.

476. The House bill, but not the Senate amendment, lists examples of special services to eligible children enrolled in private school such as dual enrollment, educational radio and television,

computer equipment and materials, other technology, and mobile educational services and equipment.

The Senate recedes.

477. The Senate amendment, but not the House bill, provides that local educational agencies shall consult with private school officials during the design and development of the agency's program, lists examples of topics for consultation, provides for the timing of such consultation and that the consultation shall include a discussion of service delivery mechanisms.

The House recedes.

478. The Senate amendment, but not the House bill, includes paragraph headings in the subsection dealing with public control of funds.

Legislative counsel.

479. The House bill refers to property purchased with "such funds"; the Senate amendment refers to property purchased with "those funds".

Legislative counsel.

480. The Senate amendment, but not the House bill, provides that private school officials provide local educational agencies with the verifiable documentation necessary to determine proportionate allocations.

The Senate recedes with an amendment inserting a new (E) in subsection (b) "what is the size and scope of the equitable services to be provided to the eligible private school children, and what is the proportionate allocation amount under subsection (a)(4) on which such services will be based."

481. Both the House bill and the Senate amendment require the Secretary to arrange for services for private school children if an LEA fails to provide such services but the reference to the requirements to do this are different.

Legislative counsel.

482. The Senate amendment, but not the House bill, includes a paragraph heading.

Legislative counsel.

483. Both the House bill and Senate amendment provide for payments for capital expenses with almost identical language, but the Senate amendment also has paragraph headings, and refers to funds "under this subsection" and applications "for assistance under this subsection" in (2)(B).

Legislative counsel.

484. The House bill refers to "the term capital expenses is limited to"; the Senate amendment refers to "the term capital expenses means" and includes a paragraph heading.

Legislative counsel.

485. The House bill refers to "including but not limited to"; the Senate amendment refers to "including".

Legislative counsel.

Fiscal Requirements

486. While both bills have the same provisions regarding maintenance of fiscal effort in general, the House bill also requires maintenance of such effort specifically with respect to professional development activities.

The House recedes.

487. The Senate amendment, but not the House bill, includes a paragraph heading entitled "In General".

Legislative counsel.

488. The Senate amendment, but not the House bill, includes a paragraph heading entitled "Special Rule".

Legislative counsel.

489. The House bill refers to "its compliance"; the Senate amendment refers to "such agency's compliance".

Legislative counsel.

490. The Senate amendment, but not the House bill, includes a paragraph heading entitled "In General".

Legislative counsel.

491. The House bill refers to "its schools"; the Senate amendment refers to "such agency's schools".

Legislative counsel.

492. The House bill refers to "only if it will use"; the Senate amendment refers to "only if such agency will use".

Legislative counsel.

493. The House bill establishes new tests to determine whether local educational agencies meet the comparability of services requirement. Expenditures per pupil from State and local funds, and "basic" instructional salaries (excluding salary differentials based on years of employment) must be at least as high in schools participating in title I as for nonparticipating schools. The Senate bill contains comparability tests similar to those of current law.

The House recedes.

494. Both bills allow for exclusion of unpredictable changes in enrollment or personnel assignments occurring after the beginning of a school year in applying comparability standards. The Senate bill also states that such changes shall not be included in comparability determinations.

The Senate recedes.

495. The Senate amendment, but not the House bill, includes a paragraph heading entitled "Procedures and Records".

Legislative counsel.

496.

Explanatory Note: Both bills have similar language requiring local educational agencies to establish procedures and maintain records as necessary for comparability determinations, excluding local educational agencies with only 1 school per grade span, and allowing for exclusion of State and local funds for bilingual education and the excess costs of serving children with disabilities.

497. The House bill refers to "its compliance"; the Senate amendment refers to "such agency's compliance".

Legislative counsel.

498. The Senate amendment, but not the House bill, includes a paragraph heading entitled "Inapplicability".

Legislative counsel.

499. The Senate amendment, but not the House bill, includes a paragraph heading entitled "Compliance".

Legislative counsel.

500. The House bill refers to "excess costs"; the Senate amendment refers to "excessive costs" and "as determined by the local educational agency".

The House recedes with an amendment striking "excessive" and inserting "excess".

Grants for the Outlying Areas and the Secretary of the Interior

501. Both bills provide for the reservation of 1% of title I, part A funds for grants to outlying areas plus the Department of the Interior (for Native American pupils).

Legislative counsel.

502. The Senate amendment, but not the House bill, includes a paragraph heading entitled "In General".

Legislative counsel.

503. The Senate amendment, but not the House bill, provides that all funds reserved for the outlying areas (including the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and—until adoption of its Compact of Free Association—Palau) be distributed in accordance with a competition conducted by the Pacific Regional Educational Laboratory in Hawaii. Five percent of the total amount reserved for the outlying areas may be used to pay the Laboratory's administrative costs. Currently, the Secretary of Education determines the distribution of funds among the outlying areas, except for a portion of these funds (equal to the share allocated in FY 1989 to the Federated States of Micronesia and the Republic of the Marshall Islands) that is distributed through a competition conducted by the Pacific Regional Educational Laboratory.

The House recedes with an amendment that allows the Freely Associated State to be eligible to compete for competitive grants under Title I, authorizes $5 million as a block grant to PREL for the Freely Associated States to compete for these funds, and allows the Freely Associated States to compete for all discretionary grants under this Act.

Allocations to States

504. The House bill provides that an annual share of title I, part A appropriations equal to the FY 1994 amount be allocated according to the basic and concentration grant formulas (sec. 1124 and 1124A). Any additional appropriations will be allocated under the new, targeted grants formula (sec. 1125).

The Senate recedes with an amendment that provides that in Fiscal Year 1995, Title I funds will be distributed under the same formula as in current law. In Fiscal Year 1996, funds would be distributed under a modified form of the House formula. Appropriations equal to the Fiscal Year 1995 level would be distributed under current law, except that local educational agencies with 2 percent poverty or less would receive no funds. Funds in excess of the Fiscal Year 1995 level would be distributed under a new targeted, weighted formula. Where poor children living in high concentrations of poverty receive more funds, a local educational agency with poverty rates of 5 percent would receive no funds.

A small state minimum that is a compromise between the House and Senate provisions applies to both parts of the formula and to the formula for distributing Fiscal Year 1995 funds. Additionally, the formula provides for the use of updated poverty estimates prepared by the Bureau of the Census. Poverty estimates would be updated in Fiscal Year 1997 (school year 1997–98) for counties, and updated in Fiscal Year 1999 for local educational agencies.

The conference agreement also includes a separate authorization of $200 million to provide additional funds to improve Title I schools that distributes funds to all states based on a measure of their effort and equity.

505. If appropriations are insufficient to pay the full authorized amounts for part A, then grants will be ratably reduced to the level of available appropriations. However, no local educational agency is to receive less than 85% of its previous year grant (if any) under the basic and targeted grant formulas. There is no hold harmless for concentration grants.

The Senate recedes with an amendment on all of the notes concerning the title I formula (notes 504–557).

Basic Grants to Local Educational Agencies

505. Except for Puerto Rico, the maximum basic grant for a local educational agency is equal to the number of poor and other children counted in the formula multiplied by 40% of the State average expenditure per pupil, with bounds of 80% and 120% of the national average applied to the latter.

507. While all basic grants will be calculated by the U.S. Department of Education using data on poor school age children compiled by the Census Bureau, the House bill authorizes State education agencies to use alternative population data (i.e., other than the data on poor school age children compiled by the Census Bureau) to allocate basic grants among the State's smaller local educational agencies only (those serving areas with a total population of 20,000 or fewer persons). Local educational agencies dissatisfied with such determinations by their State education agency may appeal them to the U.S. Secretary of Education.

508. In cases where the Census Bureau has not compiled data on poor school age children for local educational agencies (applies at this point to 8 counties in California), basic grants will be calculated by the U.S. Department of Education by county, with the State education agency responsible for suballocation to local educational agencies in such counties.

509. The basic grant to Puerto Rico is calculated in the same manner as those for local educational agencies in the 50 States plus the District of Columbia, except that the minimum expenditure factor for the States plus D.C. (.4 times 80% of the national average expenditure per pupil) is further multiplied by the ratio of the Puerto Rico average expenditure per pupil divided by the lowest average expenditure per pupil for any of the States plus D.C.

510. In order to be eligible for a basic grant, a local educational agency must have at least 10 poor and other children counted in the formula.

511. The children to be counted for basic grants under the House bill include children aged 5–17 years: (a) in poor families; (b) in families receiving Aid to Families with Dependent Children

(AFDC) payments above the poverty level for a family of 4; plus (c) in institutions for the neglected and delinquent, in foster homes, or attending community day programs, and who are not counted for State agency grants for the neglected and delinquent (title I, part D, subpart 3). Except for those in community day programs, these are the same groups of children counted under current law.

512. In making basic grants, the Secretary will use data on the number of school age children in poor families compiled for local educational agencies by the Census Bureau. In cases where such data have not been compiled for local educational agencies, the Secretary will use county aggregate data.

513. In cases where 2 or more counties are completely contained within 1 local education agency (e.g., New York City, Hawaii, and possibly Williamsburg/James City county in Virginia), then each county portion of the local educational agency will be treated as if it were a separate local educational agency for the calculation of basic grants.

514. If data on the number of poor school age children have been updated by the Census Bureau for local educational agencies, then the updated data must be used by the Secretary of Education to calculate basic grants.

515. Data on children in families receiving Aid to Families with Dependent Children payments above the poverty income level for a family of 4 will be obtained annually for local educational agencies from the Department of Health and Human Services.

516. The Census Bureau shall prepare special updates of the number of children in poor families for local educational agencies when requested by the Secretary of Education.

517. In general, the minimum basic grant for all local educational agencies is the lesser of: (a) 0.25% of total grants; (b) 150% of the State's previous year basic grant; or (c) 150% of the national average basic grant per child counted in the basic grant formula in the previous year, multiplied by the State's total number of such children for that year. In addition, for fiscal years 1995 and 1996 only, no State may be reduced below the level of its FY 1993 basic grant as a result of applying the caps in (b) and (c) of the preceding sentence.

Concentration Grants to Local Educational Agencies

518. Local educational agencies are eligible for concentration grants under the House bill if their number of children counted for basic grants in the previous fiscal year exceeds either: (a) 6,500 such children; or (b) 15% of their total school age population. Concentration grant eligibility is limited to the 50 States plus the District of Columbia.

519. The State minimum concentration grant is the lesser of: (a) 0.25% of total grants; (b) 150% of the State's previous year concentration grant; or (c) 150% of the national average concentration grant per child counted for such grants for the year for which grants are being calculated, multiplied by the State's total number of children counted for concentration grants in that year. There is also an "absolute" minimum State concentration grant of $250,000. (This has been increased to $340,000 under appropriations legislation of recent years.)

520. The number of children counted in allocating concentration grants is the total number counted for basic grants in the preceding fiscal year if a local educational agency meets the 15% criterion of eligibility, but only the number counted for basic grants in excess of 6,500 children if only the 6,500 criterion is met. This number of children is multiplied by an expenditure factor of the local educational agency's maximum basic grant for the same (not previous) year, divided by its number of children counted for basic grants (which is simply equal to the basic grant expenditure factor for the same fiscal year).

521. While all concentration grants will initially be calculated by the U.S. Department of Education using data on poor school age children compiled by the Census Bureau, the House bill authorizes State education agencies to use alternative population data (i.e., other than the data on poor school age children compiled by the Census Bureau) to allocate concentration grants among the State's smaller local educational agencies (those serving areas with a total population of 20,000 or fewer persons). Local educational agencies dissatisfied with such determinations by their State education agency may appeal them to the U.S. Secretary of Education.

522. In cases where the Census Bureau has not compiled data on poor school age children for local educational agencies (applies at this point to 8 counties in California), concentration grants will be calculated by the U.S. Department of Education by county, with the State education agency responsible for suballocation to local educational agencies in such counties.

523. Of the total amount appropriated for basic and concentration grants, 10% is reserved for concentration grants.

524. Grants will be ratably reduced, subject to the State minimum, if total appropriations are less than maximum authorized concentration grants.

Targeted Grants to Local Educational Agencies

525. To be eligible for targeted formula grants under the House bill, the number of children counted for basic grants in a local educational agency must be at least 10.

526. The maximum targeted grant for a local educational agency is its weighted count of children multiplied by its basic grant expenditure factor.

527. The number of children counted for targeted grants is the greater of two modified counts of the children counted for basic grants for a local educational agency. Local educational agency counts of poor and other formula children are weighted according to two scales, one based on the aggregate number of such children, and the other scale based on the percentage that basic grant formula children represent of a local educational agency's total school age population. For each LEA, the *greater* of the two weighted pupil counts—that based on numbers and that based on percentages—is used to calculate grants. The weights applied to different numbers of basic grant formula children for a local educational agency vary from 1 to 3, in 5 steps. The steps and weights are as follows:

PUPIL WEIGHTS ASSIGNED TO LOCAL EDUCATIONAL AGENCIES FOR TARGETED GRANTS UNDER THE HOUSE VERSION OF H.R. 6

School age child poverty rate for the local educational agency	Number of poor and other formula in the local educational agency	Weight assigned to poor and other formula pupils in the local educational agency
0–14.265%	0–575	1.0
14.266–21.553	576–1,870	1.5
21.554–29.223	1,871–6,910	2.0
29.224–36.538	6,911–42,000	2.5
36.539 or more	more than 42,000	3.0

Each step on each of the two scales contains local educational agencies with approximately one-fifth of all school age children. The weights are applied stepwise—i.e., each weight is applied only to the share of formula children in a county (local educational agency) falling within the indicated number or percentage range.

528. While all targeted grants will initially be calculated by the U.S. Department of Education using data on poor school age children compiled by the Census Bureau, the House bill authorizes State education agencies to use alternative population data (i.e., other than the data on poor school age children compiled by the Census Bureau) to allocate targeted grants among each State's smaller local educational agencies (those serving areas with a total population of 20,000 or fewer persons). Local educational agencies dissatisfied with such determinations by their State education agency may appeal them to the U.S. Secretary of Education.

529. In cases where the Census Bureau has not compiled data on poor school age children for local educational agencies (applies at this point to 8 counties in California), targeted grants will be calculated by the U.S. Department of Education by county, with the State education agency responsible for suballocation to local educational agencies in such counties.

530. The State minimum targeted grant is the *lesser* of: (a) 0.25% of all grants; (b) 150% of the national average targeted grant per (unweighted) child counted in the targeted grant formula in the year for which grants are being calculated, multiplied by the State's total number of such (unweighted) children for that year.

Special Allocation Procedures

531. If a local educational agency does not provide educational services to neglected or delinquent children who are counted in determining part A grants to that agency, the State education agency may reallocate part A grants based upon such children.

532. State education agencies may reallocate part A grants as appropriate when multiple local educational agencies serve the same area, or an agency provides educational services to children residing in a different local educational agency.

533. State education agencies may reallocate part A grants not used by the local educational agencies to which they were originally allocated.

Carryover and Waiver

534. In general, a local educational agency may carry over no more than 15% of its part A grant for use in the fiscal year after the grant was received (does not apply to local educational agencies receiving less than $50,000 per year). This limitation may be waived by a State education agency, but no more than once every three years for any particular local educational agency.

Allocations to States

535. The Senate bill provides that if appropriations are insufficient to pay maximum authorized part A grants, then allocations will be ratably reduced, subject to a State level hold harmless of 100% of FY 1994 basic plus concentration grants for FY 1995, 90% of previous year grants for FY 1996, and 85% of previous year grants for FY 1997 and beyond. There is also a hold harmless for local educational agencies (see sec. 1124).

Grants to States

536. State total grants will be calculated on the basis of local educational agencies if necessary population data are deemed to be satisfactory by the Secretary of Education. Otherwise, State total grants will be calculated on a county basis. In either case, State total grants will be allocated to local educational agencies through a separate process (in sec. 1124). [Note: All allocation estimates under the Senate bill have thus far used county, not local educational agency, population data to calculate State total grants.]

537. Maximum part A grants under the Senate bill are equal to a weighted count of children (by county or local educational agency) multiplied by the State expenditure factor, further multiplied by the State *effort* factor, and finally multiplied by the State *equalization* factor. The State expenditure factor is 40% of the State average expenditure per pupil, with bounds on the latter of 85% and 115% of the national average expenditure per pupil (rather than 80% and 120% under current law and the House bill).

538. The State effort factor under the Senate bill is based on a comparison of the State average expenditure per pupil (as used in the title I expenditure factor) divided by the State personal income per capita, compared to the national average expenditure per pupil divided by the national personal income per capita. The resulting amount would be 1.0 for a State with effort at the national average. The State effort factors are adjusted to be no less than 0.95 nor more than 1.05. The effort factor for Puerto Rico is equal to the lowest factor for any of the States plus D.C. (0.95).

539. The equalization factor under the Senate bill is based upon a measure of variation in average expenditures per pupil among each State's local educational agencies called the coefficient of variation. This is a measure of the average disparity in expenditures per pupil among the local educational agencies of a State, and is expressed as a percentage of the State average expenditure per pupil. In the coefficient of variation calculations under the Senate bill, the expenditures per pupil are weighted to account for differences in the enrollment level of different local educational agencies, with an extra weight (1.4 vs. 1.0) applied to estimated counts of children from poor families. The equalization factor is equal to

1 minus the coefficient of variation, so the lower a State's coefficient of variation, the higher its equalization factor. There are no limits on the equalization factor itself, although there are limits on the effects of applying it for the first 3 years (see below).

540. If a State meets the expenditure disparity standard for equalization under the Impact Aid program regulations (currently Alaska, Kansas, and New Mexico), its coefficient of variation used to calculate the equalization factor is adjusted to be no more than .10.

541. Application of the equalization factor may not cause a State's total allocation to change by more than +/− 2% for FY 1995, +/− 4% for FY 1996, or +/− 6% for FY 1997 compared to what the State would receive if there were no equalization factor. For FY 1998 and beyond, there is no limit on the effect of the equalization factor.

542. For Puerto Rico, the expenditure factor is the minimum applied to the 50 States plus D.C. (.4 times 85% of the national average expenditure per pupil) further multiplied by the ratio of the Puerto Rico average expenditure per pupil divided by the lowest average expenditure per pupil for any of the States plus D.C.

543. The minimum number of poor and neglected/delinquent children in a local educational agency or county to be eligible for a grant is 10.

544. The children to be counted for grants under the Senate bill include children age 5–17 years: (a) in poor families; plus (b) in institutions for the neglected and delinquent, or in foster homes, and who are not counted for State agency grants for the neglected and delinquent (title I, part E, subpart 3). [The House bill also includes children in families receiving Aid to Families with Dependent Children payments above the poverty level for a family of four, plus children in community day programs.]

545. The number of children counted for grants under the Senate bill is the greater of two modified counts of the poor and neglected/delinquent school age children in a county (or, if the Secretary determines that satisfactory data are available, local educational agency). Counts of poor and other formula children are weighted according to two scales, one based on the aggregate number of such children, and the other scale based on the percentage that such children represent of the total school age population. For each LEA, the *greater* of the two weighted pupil counts—that based on numbers and that based on percentages—is used to calculate grants. The weights applied to different numbers of poor and other formula children vary from 1 to 1.4 on the percentage scale, and from 1 to 1.3 on the numbers scale, as follows:

WEIGHTS APPLIED TO FORMULA CHILD COUNTS FOR COUNTIES IN CALCULATING STATE ALLOCATIONS UNDER SENATE VERSION OF H.R. 6

County weight for poor and other formula children	Number range (i.e., number of poor and other formula children)	Percentage range (formula children as a percentage of total school age population)
1.000	0–1,917	0–12.2

WEIGHTS APPLIED TO FORMULA CHILD COUNTS FOR COUNTIES IN CALCULATING STATE ALLOCATIONS UNDER SENATE VERSION OF H.R. 6—Continued

County weight for poor and other formula children	Number range (i.e., number of poor and other formula children)	Percentage range (formula children as a percentage of total school age population)
1.075	1,918–5,938	
1.100		12.3–17.7
1.150	5,939–20,199	
1.200		17.8–22.8
1.225	20,200–77,999	
1.300	78,000+	22.9–29.7
1.400		29.8+

If grants are tabulated by local educational agency rather than by county, then the number and percentage ranges used for within-state grants under the Senate bill (see below) would be substituted for those above. The weights are applied stepwise—i.e., each weight is applied only to the share of formula children in a county (local educational agency) falling within the indicated number or percentage range. The maximum weighting factor for Puerto Rico is 1.15.

546. The State minimum grant under the Senate bill is the *greater* of: (a) 0.25% of total grants; or (b) 125% of the amount the State would receive if there were no minimum grant provision.

547. In general, no State may receive for FY 1995 (only) a grant that exceeds 115% of the amount the State would receive under the title I, chapter 1, part A formulas of current law, at the FY 1995 appropriations level.

Within State Allocations

548. After State grants are determined under the provisions of sec. 1123 of the Senate bill, the State totals are allocated to local educational agencies through a separate process. There is no direct connection between county or local educational agency calculations used to set State totals and the amount allocated to a county or local educational agency in this second stage of allocations.

A local educational agency is eligible for a grant only if its number of poor and neglected/delinquent children is greater than *both* 10 children *and* 5% of its total school age population.

549. If appropriations are not sufficient to pay maximum authorized grants, allocations to local educational agencies will be ratably reduced, subject to a hold harmless of 85% of the agency's previous year grant. The hold harmless is effective only for FY 1995 for local educational agencies that do not meet the 10 child or 5% thresholds, and only for FY 1995 and 1996 for other local educational agencies.

550. Under the Senate bill, up to 2% of State grants may be reserved by the State education agency for grants to schools in local educational agencies not eligible for grants. Such schools must serve attendance areas with a child poverty rate of at least 25% or the average percentage for the State, and are to be served in rank order, based on their poverty rate. Such funds must be used by a

recipient local educational agency only to serve the designated school attendance areas. The amount of these funds, combined with any hold harmless amounts the local educational agency receives, may not exceed the State average grant per poor and neglected/delinquent child counted in the formula or, for FY 1995, the grant received under title I, chapter 1, part A. Local educational agencies may not modify their pupil assignment policies in order to increase a school's percentage of poor children and therefore its eligibility for this assistance.

551. As with the formula for determining State total grants, the children counted in making grants to local educational agencies include school age children in poor families plus neglected, delinquent, and foster children not counted under title I, part E, subpart 3 (State agency program for the neglected and delinquent).

552. In making allocations to local educational agencies, a State may use one of three data sources: (a) data compiled by the Census Bureau; (b) the sum of (all) school age children in families receiving Aid to Families with Dependent Children (AFDC) payments plus one-third of the number of limited English proficient school age children; or (c) data using other poverty criteria, approved by the Secretary, and equivalent in size to the census count of children from poor families plus neglected/delinquent children.

553. In allocating funds among a State's local educational agencies that meet the 5%/10 child threshold, each agency's count of poor and other formula children is to be reduced by an amount equal to 1% of the LEA's *total* school-age population.

554. In addition to the 1% absorption factor, the Senate bill provides for allocation within States among eligible local educational agencies on the basis of weighted counts of poor and other children counted in the intrastate formula. The number and percentage ranges and steps are the same as those used for national allocation of targeted grants under the House bill, except that the maximum weights are 1.6 for percentages and 1.4 for numbers of children in the local educational agency counted under the formula. These weights are also applied stepwise—i.e., each weight is applied only to the share of formula children in a local educational agency falling within the indicated number or percentage range. The greater of the two weighted counts for each local educational agency—that based on percentages and that based on numbers—is used to allocate part A funds within States.

555. State education agencies may reallocate part A grants as appropriate when multiple local educational agencies serve the same area, or an agency provides educational services to children residing in a different local educational agency.

556. If a local educational agency does not provide educational services to neglected or delinquent children who are counted in determining part A grants to that agency, the State education agency may reallocate part A grants based upon such children.

557. The Senate bill provides that a local educational agency may reserve up to 2% of its part A grant to serve children in schools not otherwise eligible, as long as the school attendance areas are within 2 rank orders of the lowest poverty eligible school.

Presidential Awards Program

558. The House bill, but not the Senate amendment, allows the Secretary to develop a Presidential awards program that will recognize the person or corporation producing the best education game of the year.

The Senate recedes with an amendment making the Presidential Awards program an allowable activity under the Fund for Innovation in Education.

TITLE I—PART E (HOUSE)/PART F (SENATE)

559. The part heading in the House bill, but not the Senate amendment, reflects the House bill's inclusion of section 1503, "Innovative elementary school transition projects."

Legislative counsel.

560. Technical difference. (The Senate amendment, but not the House bill, adds the word "assisted" after "programs.")

Legislative counsel.

561. The House bill refers to the "ongoing Chapter 1 Longitudinal Study under subsection (b) of this section." The Senate amendment refers to the "ongoing Chapter 1 Longitudinal Study under subsection (c) of this section."

Legislative counsel.

562. Technical difference. (The Senate amendment, but not the House bill, begins subsection (a)(2) with the heading, "EXAMINATION.")

Legislative counsel.

563. The Senate amendment, but not the House bill, adds the word "challenging" before "State content standards."

The House recedes.

564. The Senate amendment, but not the House bill, adds the words "challenging State student" before "performance standards."

The House recedes.

565. The House bill refers to the "specific purposes set out in section 1001(d) of this title to achieve this goal, including—." The Senate amendment refers to the "purpose set forth in section 1001(d) to achieve the goal described in paragraph (1), including—."

Legislative counsel.

566. The House bill refers to "high standards for all children" while the Senate amendment refers to "challenging State content standards and challenging State student performance standards for all children served under this title . . ."

The House recedes.

567. Regarding the goal that students meet standards, the House states, ". . . schools to help children reach them" while the Senate amendment states, ". . . schools to help children reach such standards."

Legislative counsel.

568. The Senate amendment, but not the House bill, adds the words "served under this title" after "providing children."

The House recedes.

569. Technical difference. (The Senate amendment, but not the House bill, adds the word "such" after "instructional time that.")

Legislative counsel.

570. The House bill refers to "access of all children to effective instructional strategies and challenging academic content" while the Senate amendment refers to "access for all children served under this title to effective instructional strategies and challenging academic content."

The House recedes.

571. The House bill, but not the Senate amendment, includes the requirement that the Assessment examine the use of "any of the voluntary model State opportunity-to-learn standards that may have been implemented and whether they are useful in improving learning."

The Senate recedes with the following amendment:

"(v) the utilization and usefulness of opportunity to learn standards or strategies in improving learning in schools receiving assistance under this part;"

572. Technical difference. (The Senate amendment, but not the House bill, adds the word "provided" after "coordinating services.")

Legislative counsel.

573. Technical difference. (The Senate amendment, but not the House bill, adds the words "and pupil" after "other educational")

Legislative counsel.

574. The Senate amendment, but not the House bill, adds the words "of children served under this title" after "parents."

The House recedes.

575. The House bill, but not the Senate amendment, adds the words, "including the provision of family literacy services."

The Senate recedes with an amendment striking "including" and inserting "such as".

576. Technical difference. (The Senate amendment, but not the House bill, begins subsection (a)(3) with the heading, "NEAP INFORMATION.")

Legislative counsel.

577. The Senate amendment directs the Secretary, where feasible, to use NEAP information in carrying out the national assessment. The House bill directs the Secretary to use information from a variety of sources, including NEAP, state evaluations and research studies.

The Senate recedes.

578. The House bill states that "The Secretary shall submit a biennial report summarizing the cumulative findings to date of the assessment to the President and the appropriate committees of Congress. The Senate amendment states, "INTERIM AND FINAL REPORTS.—The Secretary shall submit an interim report summarizing the preliminary findings of the assessment to the President and the appropriate committees of the Congress and a final report of the findings of the assessment by January 1, 1998."

The House recedes.

579. The Senate amendment, but not the House bill, organizes the subsection into two paragraphs, and entitles the first one "IN GENERAL."

Legislative counsel.

580. The House bill, but not the Senate amendment, directs the Secretary to report no later than December 31, 1997 to the

House Committee on Education and Labor and to the Senate Committee on Labor and Human Resources on how schoolwide programs are meeting the needs of children from migratory families.

The Senate recedes.

581. The Senate amendment, but not the House bill, directs the Secretary, at a minimum to collect trend information on the effect of Title I programs. This data is to complement the data collected under subsections (a) and (c).

The House recedes.

582. The House bill refers to subsection (c) as "NATIONAL EVALUATION OF TITLE I" while the Senate amendment refers to the subsection as "NATIONAL LONGITUDINAL STUDY."

The Senate recedes.

583. Technical difference. (The Senate amendment, but not the House bill, adds the word "assisted" after "program.")

Legislative counsel.

584. Technical difference. (The Senate amendment, but not the House bill, adds the word "the" before "Congress.")

Legislative counsel.

585. The Senate amendment, but not the House bill, adds the words "short- and long-term" before "effectiveness."

The House recedes.

586. Technical difference. (The Senate amendment, but not the House bill, adds the word "to" before "provide.")

Legislative counsel.

587. The Senate amendment, but not the House bill, includes, ". . . in enabling students to meet high State content standards and State student performance standards, graduate from secondary school, and make successful transitions to postsecondary education and work" following "program's effectiveness."

The House recedes.

588. The House bill states "tracking cohorts of students" while the Senate amendment states "that tracks cohorts of students within schools of differing poverty concentrations . . .")

The House recedes.

589. The Senate amendment, but not the House bill, requires that the evaluation be consistent with measuring the achievement of students relative to high content standards and State student performance standards.

The Senate recedes.

590. The Senate amendment, but not the House bill, requires that, if sufficient funds are available, the evaluation shall provide information on students with disabilities.

The House recedes.

591. The House bill refers to the "information from this evaluation." The Senate amendment refers to the "results of the evaluation described in paragraph (1) . . ."

Legislative counsel.

592. Technical difference. (The House bill states "this" after "data from" while the Senate amendment states "such" after "data from.")

Legislative counsel.

593. The House bill refers to "that assessment," after "frequently as" while the Senate amendment states "reports are made under subsection (a)(4)" following "frequently as."

Legislative counsel.

594. The House bill, but not the Senate amendment, imposes specific requirements regarding the assessment of progress of children in the early grades, for the National Assessment and the National Evaluation. Specifically, the House bill states that (1) students in grades 1, kindergarten and pre-kindergarten shall not be assessed on the basis of outcome measures such as content and performance standards; (2) that assessments of children in grade 2 shall utilize matrix sampling and be performance-based; and (3) that "any data regarding children in grade 2 shall—(A) be collected at multiple points in time; (B) not be used to stigmatize, label or place any child; and (C) be collected in multiple domains."

The House recedes. It is the intent of the Managers that, when the Secretary conducts the National Assessment of Title I and the National Evaluation of Title I, the progress of students in grade 1, kindergarten, and prekindergarten shall not be assessed on the basis of outcome measures such as content and performance standards. When conducting the Assessment and the Evaluation, it is the Managers intent that any testing of children in grade 2 utilize matrix sampling and be performance based. Also, the Managers intend that any data collected regarding children in grade 2 shall be collected at multiple points in time, not be used to stigmatize, label, or place any child, and be collected in multiple domains.

595. The Senate amendment, but not the House bill, imposes a more general requirement that the Secretary use developmentally appropriate measures to assess student performance and progress.

The House recedes.

596. The House bill, but not the Senate amendment, requires the Secretary, through OERI, to conduct a study to identify and describe common barriers to effective parental involvement in the education of participating children; and successful local policies and programs which improve parental involvement and the performance of participating children. The House bill requires that the study be completed by December 31, 1995 and be reported to Congressional oversight committees, and that findings relative to successful local policies be disseminated to LEAs.

The Senate recedes with an amendment establishing the completion date of the study as December 31, 1996.

597. The Senate amendment, but not the House bill, requires the Secretary to conduct a study to (1) determine whether a feasible method exists for producing reliable estimates, between decennial census counts, of the number of school-aged children living in poverty by State in each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico; and (2) use such a method, if one exists, to provide the Congress with estimates.

The Senate recedes.

598. Technical difference. (The Senate amendment, but not the House bill, begins subsection (a)(1) with the heading, "IN GENERAL.—")

Legislative counsel.

599. The House bill refers to "funds appropriated for any fiscal year under section 1002(7)(B)" while the Senate amendment refers to "funds appropriated for any fiscal year under section 1002(g)(2)."

Legislative counsel.

600. The House bill, but not the Senate amendment, includes "public/private partnerships involving business and industry organizations" as eligible bodies.

The Senate recedes.

601. Technical difference. (The House bill uses the word "bodies" after "consortia of such" while the Senate amendment uses the word "entities" after "consortia of such.")

Legislative counsel.

602. The House bill refers to "challenging state standards." The Senate amendment refers to "challenging State content standards" and "challenging State student performance standards." The House bill refers to providing children an opportunity to reach "high" standards. The Senate amendment refers to providing them an opportunity to meet "challenging State content" and "challenging State student performance standards."

The House recedes.

603. Technical difference. (The Senate amendment refers to "children;" and the House bill refers to "them.")

Legislative counsel.

604. The Senate amendment, but not the House bill, adds "coordinated pupil services programs" as a promising strategy.

The Senate recedes.

605. The House bill, but not the Senate amendment, includes "such as mentoring programs" after "other social services."

The Senate recedes.

606. Technical difference. (The Senate amendment, but not the House bill, hyphenates "limited-English.")

Legislative counsel.

607. The Senate amendment, but not the House bill, adds "programs which are especially effective in recruiting, inducting and retaining highly qualified teachers for service in schools with low student achievement" as a promising strategy.

The House recedes.

608. The House bill, but not the Senate amendment, includes "secondary schools" among the entities with which partnerships are developed.

The House recedes.

609. Technical difference. (The Senate amendment, but not the House bill, begins subsection (a)(2) with the heading, "EVALUATION.—")

Legislative counsel.

610. Technical difference. (The House bill refers to "funds appropriated for any fiscal year under section 1002(7)(B)" while the Senate amendment refers to "funds appropriated for any fiscal year under section 1002(g)(2).")

Legislative counsel.

611. Technical difference. (The House bill refers to "schools supported under this title" while the Senate amendment refers to "schools assisted under this title.")

Legislative counsel.

612. The House bill, but not the Senate amendment, includes a third section under this Part, "Innovative elementary school transition projects," to "provide financial assistance to support innovative transition projects in elementary schools."

The Senate recedes with an amendment merging the House and Senate transition provisions.

613. The House bill states that "from 70 percent of the amount reserved to carry out this section (not less than $10,000,000 of the amount appropriated under section 1002(7)(B)), the Secretary shall make grants to local educational agencies for the purpose of supporting projects, for children from low-income families who previously attended Head Start, Even Start, or similar preschool programs, which provide educational and other services in kindergarten and early elementary grades."

614. The House bill states that "From 30 percent of the amount reserved under subsection (a), the Secretary shall make grants to public and private nonprofit agencies, institutions, and organizations" to provide technical assistance and training in the implementation of model transition and instructional approaches.

Federal Regulations

615. The Senate amendment requires the Secretary to convene regional meetings prior to publishing proposed regulations. The House bill requires the Secretary to obtain advice and recommendations, which may be obtained through such mechanisms as regional meetings and electronic exchanges of information.

The Senate recedes with an amendment allowing the Secretary to conduct regional meetings. While the Managers are not requiring the Department to conduct regional meetings, the Managers believe that the information gained through such meetings greatly assists the Department as it drafts regulations. The Managers encourage the Department to obtain such information and feedback through other mechanisms such as working through the various national education organizations to conduct regional meetings.

616. The House bill requires the Secretary to establish a negotiated rulemaking process. The Senate amendment requires a modified negotiated rulemaking process as a demonstration.

The Senate recedes.

617. The House bill, but not the Senate amendment, specifies four issues that must be addressed in negotiated rulemaking.

The Senate recedes with an amendment limiting the mandatory issues to be negotiated to schoolwide programs and standards and assessments. Secretary may add other issues.

618. The Senate amendment requires the Secretary to prepare draft regulations for negotiated rulemaking. The House bill requires the Secretary to prepare a draft of proposed policy options.

The Senate recedes.

619. The House bill, but not the Senate amendment, requires the Secretary to submit draft policy options to representatives participating in negotiated rulemaking not less than 45 days prior to the first meeting.

The Senate recedes with an amendment changing "45 days" to "15 days."

620. The House bill, but not the Senate amendment, specifies that final regulations shall be issued not later than the 240-day period required by section 437 (current section 431) of the General Education Provisions Act. [Note: If House provision is retained, need to conform the citation and the number of days to the final GEPA provision in Title II of the bill.]

The Senate recedes with an amendment requiring that the regulatory negotiations process be conducted in a timely manner to ensure that final regulations are issued by the Secretary no later than July 1, 1995.

621. The House bill requires that the negotiated rulemaking process follow the Negotiated Rulemaking Act of 1990. The Senate amendment requires the process to follow the guidance provided by the Administrative Conference of the United States in Recommendation 82–4. (Both waive application of the Federal Advisory Committee Act.)

The Senate recedes.

622. The House bill, but not the Senate amendment, prohibits the Secretary from expending funds available for Federal evaluations, demonstrations, and elementary school transition projects until final regulations under Part A are published.

The House recedes.

622A. The House bill refers to "under this part" and "a particular"; the Senate amendment refers to "under this title" and "any 1".

The Senate recedes.

Coordination of Federal, State, and Local Administration

623. The House bill, but not the Senate amendment, requires the Secretary to prepare and distribute a program assistance manual.

The Senate recedes.

624. The House bill, but not the Senate amendment, requires the Secretary to respond with written guidance not more than 90 days after receiving any written request from a State or local educational agency regarding a policy, question, or interpretation under Title I.

The Senate recedes.

625. The House bill, but not the Senate amendment, requires each State educational agency to create a committee of practitioners to advise the State in carrying out its responsibilities under Title I, including reviewing, prior to publication, any proposed or final State rule or regulation.

The Senate recedes with an amendment changing "counselors" to "Pupil services personnel".

626. The House bill authorizes a State educational agency to reserve for performance of its duties under Title I the greater of: (1) 1% of its total Title I allocation (excluding Even Start and any funds received for Federal evaluation, demonstration, or transition projects); or (2) $375,000. The Senate amendment authorizes a State educational agency to reserve for FYs 1995 and 1996 the greater of: (1) 1% of its total Title I allocation (excluding Even

Start and any funds received for Federal evaluation of demonstration); or (2) $425,000. Beginning in FY 1997, the Secretary may authorize a State educational agency to reserve: (1) not more than 1.5% nor less than 1% of such funds; of (2) not more than $565,000 nor less than $425,000 (whichever is greater) based on State reports of administrative expenditures under Title I and the Secretary's studies of State educational agency, local educational agency, and school-level administrative expenses under new section 14010(b) of the ESEA.

The Senate recedes with an amendment establishing the small state minimum grant at $400,000 for small states and $25,000 for outlying areas.

627. The Senate amendment authorizes a State to reserve funds to carry out its duties with respect to school improvement. The House bill (Section 1002(6)) contains a specific authorization of appropriations for school improvement.

The House recedes with an amendment establishing a .5 percent set-aside for program improvement and a minimum program improvement grant of $200,000.

628. The Senate amendment, but not the House bill, requires each State educational agency to submit annually a report to the Secretary on its use of funds for State administration of activities under Title I.

HR with an amendment moving this provision to the ESEA General Provisions title.

629. The Senate amendment, but not the House bill, includes a provision specifically requiring that funds received under Part G be used to supplement, not supplant, non-federal funds.

The Senate recedes.

Construction

630. The Senate amendment makes provisions prohibiting Federal mandates concerning specific instructional content of performance standards, equalized spending per pupil, and national school building standards applicable to all of Title I. The House bill (Sec. 111(f), (j), (k)) makes similar provisions apply only to section 1111 concerning State Plans.

The House recedes.

Reservation of Funds for Territories

631. The Senate amendment, but not the House bill, separately authorizes funds to be appropriated under Part D (education of migratory children) and Part E (education of neglected and delinquent youth) for payments to the outlying areas. [Note: Under both the House bill and the Senate amendment, the outlying areas would be directly eligible (as "States") for funds under those two programs. See section 910(22) in the House bill and section 1010(25) in the Senate amendment.]

The Senate recedes.

Educational Opportunity Demonstration Program

632. The Senate amendment, but not the House bill, includes an Educational Opportunity Demonstration Program.

The Senate recedes.

633. The Senate amendment, but not the House bill, includes a findings and purposes section with respect to the Educational Opportunity Demonstration Program.

The Senate recedes.

634. The Senate amendment, but not the House bill, defines the terms "educational opportunity school" and "educational opportunity advisory board".

The Senate recedes.

635. The Senate amendment, but not the House bill, allows the Secretary to grant waivers to 10 LEAs for the design and operation of one or more educational opportunity schools; allows the Secretary to waive the Title IX requirements for participating LEAs for a five year period; and requires each participating LEA to establish an educational opportunity advisory board.

The Senate recedes.

636. The Senate amendment, but not the House bill, requires each LEA desiring a waiver under this program to submit an application, and lists the required contents of the application.

The Senate recedes.

637. The Senate amendment, but not the House bill, requires the Secretary to commission a study to compare the educational and behavioral achievement of those choosing same gender classes and those choosing co-educational classes.

The Senate recedes.

639. The Senate amendment, but not the House bill, contains a provision which states that nothing in this part shall be construed to affect the availability under Title IX of remedies to overcome the effects of past discrimination on the basis of sex.

The Senate recedes.

The conferees intend to allow maximum flexibility for the use of funds under this Act to encourage schools to think of new ways to use technology to expand the learning day in the home, increase parental involvement with their children's education, and provide readily accessible professional development for teachers and staff.

TITLE I

Part B—Even Start Literacy Programs

1. Minor drafting differences.

Legislative counsel.

2. The House bill indicates the program shall assist children and adults to achieve challenging State standards. The Senate amendment refers to challenging State "content" and "student performance" standards.

The House recedes.

3. Minor drafting differences. The House bill, but not the Senate amendment, includes "other purposes" in the reservation section and refers to 5 percent of the amount appropriated under section 1002(b) "of this title."

Legislative counsel.

4. The House bill requires the Secretary to reserve "not less than" 5 percent to serve special populations and the Senate bill refers to "not more than" 5 percent.

The House recedes with an amendment requiring the Secretary to reserve 5 percent.

5. The House bill, but not the Senate amendment, provides for an Even Start demonstration grant for a family literacy program in a prison housing women and their preschool age children if the amount of funds available for special populations exceeds $4.6 million.

The Senate recedes with an amendment to require grants on a competitive basis.

6. Minor drafting differences.

Legislative counsel.

7. Minor drafting differences. The House bill places the reference to eligible organizations after, rather than before the list of provided activities; the Senate amendment refers to grants or contracts "with eligible organizations."

Legislative counsel.

8. The Senate amendment, but not the House bill, includes a provision allowing the Secretary to reserve $1 million or less in years in which the Even Start appropriation exceeds the previous year's appropriation, to award competitive grants to States to enable them to plan and implement statewide family literacy initiatives to coordinate existing Federal, State and local literacy resources consistent with the purposes of the Even Start Program.

The House recedes with an amendment to require the coordination and integration to include, but not be limited to, several federal programs.

9. The Senate amendment, but not the House bill, requires a non-Federal match by the State in order to participate in the new statewide family literacy initiatives grant program.

The House recedes.

10. Technical differences. The Senate amendment, but not the House bill, includes funds for the new statewide family literacy initiative among those that are deducted before Even Start funds are allocated to the States.

The House recedes.

11. Minor drafting differences.

Legislative counsel.

12. The House bill guarantees each State a minimum annual grant of $250,000. The Senate amendment provides a guarantee of that amount or ½ of 1% of the amount available for States, whichever is greater.

The House recedes.

13. Minor drafting differences. The House bill refers to "or other public or private nonprofit organization"; the Senate amendment refers to "or a public or private nonprofit organization." The Senate amendment, but not the House bill, places the definitions in alphabetical order.

The House recedes with an amendment providing that "a public agency" is "not a local educational agency. It is the intent of the conferees that Even Start grantees should not dissolve partnerships (created by LEAs and other entities in order to apply for Even Start projects) during their grant period unless there is good cause."

14. The Senate amendment, but not the House bill, explicitly includes "the Home and School Institute, Inc." in the definition of eligible organizations.

The House recedes.

15. Minor draft differences.

Legislative counsel.

16. Minor drafting differences.

Legislative counsel.

17. The Senate amendment titles this section "Minimum" and allows each State to award one subgrant in an amount less than $75,000 if it is of sufficient size, scope, and quality to be effective and if less than $75,000 is left over after awarding other grants of $75,000 or more.

The House recedes.

18. Minor drafting difference. The House bill refers to carrying out an "Even Start" program; the Senate amendment only refers to "a program."

Legislative counsel.

19. The House bill refers to the cost of programs serving children from "birth through age 7." The Senate amendment does not include the age notation.

The Senate recedes.

20. The House bill indicates the program is to help parents become full partners in the education of their children and to assist children in reaching their full potential as learners. The Senate amendment states "to help parents obtain educational skills" as an additional feature of a family-centered education program.

The Senate recedes.

21. Minor drafting differences. The House bill in (1)(A)(i) refers to "that" program; the Senate amendment in (1)(A)(i) refers to "such" program.

Legislative counsel.

22. The House bill, but not the Senate amendment, requires that matching funds be obtained from any source other than title I funds.

The House recedes with an amendment providing that the matching funds may come from any source including Federal funds under this Act.

23. The Senate amendment, but not the House bill, titles this provision "WAIVER." There are minor wording differences.

Legislative counsel.

24. The Senate amendment, but not the House bill, titles this provision, "PROHIBITION." The two provisions are identical in purpose but worded differently.

Legislative counsel.

25. The House bill, but not the Senate amendment refers to each "Even Start" program. There are minor wording differences.

Legislative counsel.

26. The Senate amendment, but not the House bill, includes the phrase, "including teenage parents."

The House recedes.

27. The House bill includes "referral to necessary counseling" among the services that can be provided. The Senate amendment

includes "referral to necessary pupil services." There are other minor wording differences.

The Senate recedes.

28. The House bill, but not the Senate amendment, includes "and related services."

The Senate recedes.

29. The House bill requires that programs be designed to include the provisions of "support services, when unavailable from other sources." The Senate amendment refers to "pupil services (when such pupil services are unavailable from other sources.)"

The Senate recedes.

30. The Senate amendment, but not the House bill, includes the phrase "in the activities assisted under this part."

The House recedes.

31. Minor wording differences.

Legislative counsel.

32. The House bill includes the phrase "empower parents to support the educational growth of their children." The Senate amendment provides "training of parents to support . . ."

The Senate recedes.

33. The Senate amendment, but not the House bill, requires programs to include "qualified personnel to develop, administer, and implement" the Even Start program.

The Senate recedes.

34. The House bill requires "the provision of some program services, either instructional or enrichment, or both during the summer months." The Senate amendment requires "the provision of some instructional or enrichment services during the summer months."

The Senate recedes.

35. Minor wording differences.

Legislative counsel.

36. The Senate amendment, but not the House bill, requires each program to "serve those families most in need of the activities and services provided by" Even Start.

The House recedes.

37. The Senate amendment, but not the House bill, requires each program to "provide services . . . to individuals with special needs, such as individuals with limited-English proficiency and individuals with disabilities."

The Senate recedes.

38. The Senate amendment, but not the House bill, requires each program to "encourage eligible participants to remain in the program for a time sufficient to meet the program's purpose.

The Senate recedes.

39. Drafting differences. The two provisions are identical in substance, but contain minor wording differences.

Legislative counsel.

40. The Senate amendment, but not the House bill, titles this provision "SPECIAL RULE."

Legislative counsel.

41. The House bill, but not the Senate amendment, includes a section on "REQUIRED DOCUMENTATION," which requires applications to include documentation that the eligible entity has the

qualified personnel necessary to operate the program and provided necessary training.

The Senate recedes.

42. The Senate amendment, but not the House bill includes a heading, "IN GENERAL."

Legislative counsel.

43. The House bill calls for an application to "include a plan of operation for the program." The Senate amendment states "each such application shall."

The Senate recedes.

44. The Senate amendment, but not the House bill, includes the words, "to be served" in referring to "participants".

Legislative counsel.

45. The House bill refers to "other" eligible organizations. The Senate amendment refers to eligible organizations.

Legislative counsel.

46. The House bill, but not the Senate amendment, requires applicants to describe how their plans are consistent with State and local plans, if any, under Goals 2000, and with State and local plans under sections 1111 and 1112 of ESEA.

The Senate recedes with an amendment providing for a description of how the plan is integrated with other programs under this Act, Goals 2000: Educate America Act, or other Acts.

47. The House bill, but not the Senate amendment, allows the plan to be submitted as part of a consolidated application under section 9302.

The Senate recedes.

48. The Senate amendment, but not the House bill, requires each plan to remain in effect for the duration of the eligible entity's participation in the Even Start program and that it be periodically reviewed and revised as necessary.

The House recedes.

49. Minor wording and drafting differences except the Senate makes reference to subsection (b), which does not relate to the review panel (the intended reference is probably paragraph (2)).

Legislative counsel.

50. The Senate amendment, but not the House bill, includes, as a factor to be considered in selecting grantees, "other need-related indicators", such as the fact that the program will include a high percentage of children who reside in a school attendance area that is eligible for programs under Part A of title I.

The House recedes.

51. The House bill, but not the Senate amendment, specifically states that the three-year age range for which services must be provided "may begin at birth."

The Senate recedes.

52. The House bill refers to an applicant's ability to provide "additional funding." The Senate amendment refers to "the remaining cost."

Legislative counsel.

53. Minor wording differences. The Senate amendment titles this section "PRIORITY."

Legislative counsel.

54. The House bill provides a priority to programs in areas that have a high percentage or a large number of children and families in need of Even Start services. The Senate amendment gives priority to programs that target services to families whose children reside in attendance areas of schools eligible for schoolwide programs under Part A.

The Senate recedes.

55. Minor drafting and wording differences. The Senate amendment includes the headings "IN GENERAL," "STARTUP PERIOD," AND "CONTINUING ELIGIBILITY" for the paragraphs under the subsection.

Legislative counsel.

56. Minor wording differences. The Senate amendment titles this paragraph, "INSUFFICIENT PROGRESS."

Legislative counsel.

57. Minor wording differences. The Senate amendment titles this paragraph, "GRANT RENEWAL."

Legislative counsel.

58. The House bill permits an eligible entity to receive a second subgrant. The Senate amendment does not limit the number of subgrants an eligible entity may receive but limits the total period of assistance to 8 years.

The House recedes.

59. Minor wording and technical differences.

Legislative counsel.

60. The Senate amendment, but not the House bill, contains a section entitled, "CONSTRUCTION," which provides that nothing in the Even Start statute may be read to prohibit recipients of funds under the Even Start program from serving students participating in Even Start simultaneously with students with similar educational needs in the same settings, where appropriate.

The House recedes.

Part C—Education of Migratory Children

Purpose

61. Identical provisions, except the Senate amendment modifies "challenging standards" with the words, "State content" and "State student performance."

The House recedes.

Program Authorized

62. Identical provisions, but the Senate amendment uses the heading, "in general."

Legislative counsel.

State Allocations

63. Identical provisions, but the House bill uses the term, "entitled", when the Senate uses the term, "eligible."

The Senate recedes.

64. Identical provisions, but the Senate amendment uses the heading, "in general."

Legislative Counsel.

65. Similar provisions, except the House bill allows the Secretary to reduce funds to a state if they "exceed the amount required", whereas the Senate allows it if "such amount is not needed."

The Senate recedes.

66. Identical provisions, except the House bill applies the consortium requirement to States with grants of $1m or less, whereas the Senate amendment applies it to States with grants of $500,000 or less.

The Senate recedes.

67. Similar provisions, with technical differences in the wording.

Legislative Counsel.

68. The House bill requires the Secretary to develop a more accurate method for determining the summer (which may include intersession) child count and reimbursement level; the Senate amendment requires the Secretary to adjust the overall child count by factoring in summer programs, intersession programs, designs, and programs which operate through stop-over centers.

The House recedes with these amendments: rewrite paragraph (2) as follows, "develop and implement a procedure for more accurately reflecting cost factors for different types of summer programs and for intersession programs;" add a new number (3) as follows, "adjust the full-time equivalent number of migratory children who reside in each State to take into account the special needs of those children participating in special programs provided under this part that operate during the summer and intersession periods;" renumber number (3) accordingly.

69. The House bill, but not the Senate amendment requires the Secretary to consider alternatives for adjusting the formula for a child whose education has been interrupted.

The Senate recedes.

State Applications

70. Identical provisions, except only the House bill extends the paragraph to require that migratory status be recorded on State student collection data.

The House recedes.

71. The Senate amendment, but not the House bill, includes "all" before migratory students.

The House recedes.

72. The Senate amendment, but not the House bill, applies the terms "State content" and "State student" to "standards."

The House recedes.

73. Identical provisions, except the Senate amendment adds the phrase, "and the amount of funds that such agencies will provide to identical schools."

The Senate recedes.

74. The House bill, but not the Senate amendment, requires budgetary and other information.

The Senate recedes.

75. Identical provisions, but the Senate amendment places it within "authorized activities", section 1406(b)(1)(C).

Legislative Counsel.

76. Technical conforming differences. (The section numbers cited in both bills refer to the following provisions: schoolwides, targeted assistance, assignment of personnel, private school children, supplement not supplant, comparability of services, and General Provisions.)

Legislative Counsel.

77. Identical, except the House bill uses the phrase, "lasting a school year", when the Senate amendment uses, the phrase, "of one school year in duration."

Legislative Counsel.

78. The House bill, but not the Senate amendment, requires the preschool needs be met.

The Senate recedes.

79. The Senate amendment requires that, "to the extent feasible", programs provide advocacy and outreach, professional development, family literacy, integration of technology, transition activities to postsecondary education or employment. (For comparable House bill provision, see note #87.)

The House recedes.

80. Technical conforming difference.

Legislative Counsel.

81. Identical provisions, except the Senate amendment adds the phrases, "State content standards" and "student performance standards."

The House recedes.

82. The House bill, but not the Senate amendment, extends the "continuation of services" to a third category—secondary schools students to be served in credit accrual programs.

The Senate recedes.

Comprehensive Needs Assessment

83. The House bill, but not the Senate amendment, requires that the plan be integrated with any plan submitted under Title III of Goals 2000 and with other plans under the School-to-Work Act and the Perkins Act.

The Senate recedes with an amendment striking "(A) and (B)" of paragraph (1) and replacing with "is integrated with other programs under this Act, the Goals 2000 Act, and other acts, as appropriate, consistent with section 14706", which is the standard Goals coordination language.

84. The House bill, but not the Senate amendment, requires that the plan be integrated with other State plans, where such plans exist, if no plan is being developed under the Goals 2000.

The House recedes.

85. Identical provisions, except the Senate amendment applies the phrases, "State content" and "challenging State student" to "standards."

The House recedes.

86. Identical provisions, except the Senate amendment makes the requirement applicable to only "part A" of Title VII.

Legislative Counsel

87. Similar provisions, except the provisions in the Senate amendment appear under the section describing use of funds (see

note #79) and paragraphs (C) and (D) of each bill are slightly modified.

The House recedes.

88. The Senate amendment, but not the House bill, requires that the comprehensive plan, with modifications, remain in effect for the duration of the State's participation.

The House recedes.

89. The House bill, but not the Senate amendment, allows the State to satisfy the requirements of the section through a reference to the applicable sections under a plan approved under Goals 2000,

The House recedes.

90. Technical conforming difference.

Legislative Counsel

91. The Senate amendment, but not the House bill notes that nothing in this part shall be construed to prohibit an LEA from serving migrant students with other students.

The House recedes.

92. The House bill requires that the "authorized activities" (described in subsection 1306(b)) shall no longer apply if funds are used under a "schoolwide plan"; the Senate amendment requires that funds shall continue to be used to address the needs of children which result from the effects of a migratory lifestyle and which are not otherwise provided, notwithstanding the requirements of section 1114, ("schoolwide" programs.)

The House recedes.

Coordination of Activities

93. Identical provision, except the House bill uses the phrase, "State and local educational agencies of their educational programs", when the Senate amendment uses the term "such agencies."

Legislative Counsel.

94. The House bill permits awards under this subsection only to nonprofit entities. The Senate amendment permits awards to for-profit, as well as nonprofit, entities.

The Senate recedes.

95. The House bill, but not the Senate amendment authorizes grants for up to 5 years.

The Senate recedes.

96. The House bill requires the Secretary to convene a panel to assess alternative methods by which student records may be transferred and students may be counted; to report to the Congress on the panel's findings; and provides the Secretary the authority to contract for services. The Senate amendment provides the Secretary authority to extend MSRTS to January 1996 and requires the Secretary to report to Congress on how student records are transferred.

The Senate recedes with an amendment, replacing the language of the House bill (Section 1308b)) as follows:

"The Secretary shall solicit information on how student records are transferred from one school to another and shall solicit recommendations on whether or not new procedures and technologies for record transfer should be employed to better meet the needs of the migrant population. The Secretary shall also seek recommendations on the most effective means for determining the number of students or full-time equivalent students in each State for the purpose of allocating funds under this part.

"Not later than April 30, 1995, the Secretary shall report to the Senate Committee on labor and Human Resources and to the House Committee on Education and Labor, its findings and recommendations, and shall include in this report, recommendations for interim measures that may be taken to ensure continuity of services in this program. The Secretary shall assist States in developing effective methods for the transfer of student records and in determining students or full-time equivalent students in each State should such interim measures be required."

97. Similar provisions, but the House bill requires the Secretary to reserve "up to $6m", when the Senate bill requires that the Secretary reserve, "not more than $6m."

Legislative Counsel.

98. The House bill uses the term "competitive" when the Senate amendment uses the term, "incentive" in describing the grants. The House recedes. The House bill requires, the Senate amendment allows, the Secretary to reserve $1.5m for consortium grants.

The Senate recedes with an amendment striking "$100,000" and inserting $250,000."

99. The House bill, but not the Senate amendment, requires that a minimum of 10 grants be awarded to States with allocations of less than $1m.

The Senate recedes.

100. The House bill, but not the Senate amendment, authorizes the Secretary to award a grant of up to $3m for a distance learning program.

The House recedes.

Definitions

101. Technical difference in wording. The House bill places the definitions in a separate section. The Senate amendment places the definitions in subsection (a) of section 1402, "Program authorized."

Legislative Counsel.

102. The House bill uses the term, "parent or spouse", when the Senate amendment uses, "parent or guardian". The House recedes with an amendment to add spouse. The House makes eligibility based on up to "24" months after a move, when the Senate amendment makes it based on "48" months.

The House recedes with an amendment to insert "spouse" after "guardian" and establishing the period for eligibility under the migrant Education program at 36 months.

103. The Senate amendment, but not the House bill, extends the definition of "migrant" to one who resides in a school district of a specified size and migrates a distance of at least 20 miles.

The House recedes.

104. The House bill, but not the Senate amendment, makes "36", rather than "24" preceding months applicable in fiscal year 1995.

The House recedes.

105. The Senate amendment, but not the House bill, defines the term, "stop-over center" which would be used in the determination of eligible children in a State.

The Senate recedes.

106. The Senate amendment, but not the House bill, defines the term, "fishing activity."

The Senate recedes.

Section 1310(2)(A) provides that migrant students are eligible to receive services under this part for up to three years from the date of their last migration. The conference agreement reduces from six years to three years the length of time a migrant child is eligible for such services. The reduction in eligibility will concentrate the limited migrant education resources on those children who most recently migrated thereby enhancing the quality and depth of migrant education services per eligible child. It should be clear that this reduction in eligibility is not intended to jeopardize the level of funding provided for migrant education, and that the need for increased funding provided for migrant education, and that the need for increased funding is still great. The Managers recognize that the educational deficiencies caused by migration are significant and that supplemental services, including the facilitation of parental involvement, provided to migrant students under this part are critical.

Part D—Prevention and Intervention Programs for Youth Who Are Neglected, Delinquent, or at Risk of Dropping Out

Findings; Purpose; Program Authorized

107. The House bill entitles this part "Part D—Prevention and Intervention Services for Delinquent Youth and Youth at Risk of Dropping Out." The Senate amendment refers to this part as "Part E—Education for Neglected and Delinquent Youth."

The Senate recedes with an amendment providing a new heading for this part—"PART D—PREVENTION AND INTERVENTION PROGRAMS FOR YOUTH WHO ARE NEGLECTED, DELINQUENT, AND AT RISK OF DROPPING OUT".

108. The House bill, but not the Senate amendment, includes "FINDINGS" in the title and lists nine findings related to academic achievement, dropping out, and delinquency.

The Senate recedes.

109. The House bill, but not the Senate amendment, refers to improving services to children in "local and State" institutions for delinquent children. The Senate amendment, but not the House bill, includes as one of the purposes of this part, the provision of services to neglected children.

The Senate recedes with an amendment adding "neglected or" to the statement of purpose.

110. The Senate amendment, but not the House bill refers to challenging State "content standards."

The House recedes.

111. Minor drafting/technical differences.

Legislative Counsel.

112. The House bill, but not the Senate amendment, includes, as one of the purposes of this part, dropout prevention and programs to support youth returning from institutions.

The Senate recedes.

113. The House bill provides that SEAs are to make subgrants to State agencies and local educational agencies. The Senate amendment permits subgrants only to State agencies.

The Senate recedes.

114. The House bill, but not the Senate amendment, provides that funds are to be used to establish or improve programs for "youth at risk of dropping out of school before graduation." The Senate amendment, but not the House bill, provides that funds are to be used to establish or improve programs for "neglected children."

The Senate recedes with an amendment adding "neglected or" to the program authorization section.

115. The House bill, but not the Senate amendment, includes a Section on "Payments for Programs Under this Part." This section provides for allocations to States under subpart 1 which are to use to make subgrants to State agencies. The section further provides that State shall retain, for purposes of Subpart 2, funds generated throughout the State under Part A which are based on youth residing in local correctional facilities or attending community day programs for delinquent children.

The Senate recedes.

116. The House bill, but not the Senate amendment, provides that any funds left over after making grants to State agencies under Subpart 1 be used for . . . (Something appears to be missing in subsection (c); its intention is to say that left over funds may be used for Subpart 2, Local Agency Programs).

The Senate recedes.

117. The House bill, but not the Senate amendment, refers to subpart 1—State Agency Programs.

The Senate recedes.

118. The House bill titles this section "Sec. 1403—Amount of Allocation to State." The Senate amendment refers to this section as "Sec. 1503—Allocation of Funds." The Senate amendment includes the subtitle "(a) Subgrants to State Agencies" and titles paragraph (1) "In General." The House bill refers to subsection "(a) State Allocation."

Legislative Counsel.

119. The House bill refers to "Each State educational agency." The Senate amendment refers to "Each State agency described in section 1502 (other than an agency in the Commonwealth of Puerto Rico). The House bill indicates that such agencies are "eligible to receive under this part." The Senate amendment indicates that such agencies are eligible to "receive a subgrant under this part."

120. The House bill bases the allocation of funds on the "number of delinquent children in state correctional facilities serving youth under the age of 21." The Senate amendment bases the allocation on the "number of neglected or delinquent children described in section 1502."

The House recedes.

121. Both the House bill and the Senate amendment require children who are in education programs in institutions for children to be enrolled for 20 hours per week in such programs. The House amendment refers to "education programs operated or supported by facilities serving youth." The Senate bill refers to "education programs in institutions for neglected or delinquent children or in community day programs for neglected and delinquent children."

The House recedes.

122. The House bill counts the number of "delinquent" children who are enrolled for "10 hours a week in adult facilities serving youth." The Senate amendment counts "neglected or delinquent" children who are enrolled for at least 15 hours per week in education programs in adult correctional institutions."

The House recedes.

123. The Senate amendment, but not the House bill, includes a "SPECIAL RULE" providing that the number of neglected or delinquent children determined under paragraph (1) is to be determined by a date or dates set by the Secretary, except that no state agency is required to determine the number of such children on a specific date set by the Secretary. The Senate amendment also provides that the number of children shall be adjusted to reflect the relative length of such agency's annual programs.

House recedes with an amendment changing "date or dates" to "deadline".

124. The House bill refers to the "amount for the grant"; the Senate amendment refers to the "amount of the subgrant."

Legislative Counsel.

18A. The House bill refers to "32 percent"; the Senate amendment refers to "34 percent".

125. The Senate amendment, but not the House bill, includes a subsection (c), providing for "Ratable Reductions in Case of Insufficient Appropriations," which requires the Secretary to ratably reduce the amount paid to all agencies if the amount appropriated is insufficient to pay the full amount for which all agencies are eligible under subsections (a) and (b).

The House recedes.

126. The Senate amendment, but not the House bill, includes a subsection (d), "PAYMENTS TO STATE EDUCATIONAL AGENCIES," which requires the Secretary to pay to each SEA the total amount needed to make subgrants to State agencies in the State. This subsection further permits each SEA to retain a portion of such total amount for State administration.

The Senate recedes.

127. The Senate amendment, but not the House bill, contains a section on the "State Reallocation of Funds," which permits the SEA to reallocate any amount that is not needed by a State agency to other State agencies that need additional funds to carry out programs. The SEA is to determine the additional amount to be provided to each State agency.

The House recedes with an amendment changing "State agencies" to "other eligible State agencies".

128. The House bill titles this Section "State Plan." The Senate amendment refers to this section as "State Plan and State Agency Applications." There are technical/drafting differences.

The House recedes.

129. The House bill refers to a plan for "meeting the needs of delinquent youth and children at risk of dropping out." The Senate amendment refers to a plan for "meeting the needs of neglected and delinquent children" and specifies that such plan shall be revised as updated "as needed to satisfy the requirements of this section."

The House recedes with an amendment striking "and children" and adding "and where applicable, youth at risk of dropping out."

130. The House bill, but not the Senate amendment, requires that the State's plan under this part be integrated with the State's plan, either approved or being developed, under Title III of Goals 2000 or is integrated with other State plans under ESEA if the State does not have an approved plan under Goals and is not developing such a plan. The House bill further requires that such plan "satisfy the requirements of this section."

The Senate recedes with an amendment providing that the state plan is integrated with other programs under this Act, the Goals 2000: Educate America Act, or other Acts, as appropriate.

131. The House bill, but not the Senate amendment, permits the State plan submitted under paragraph (a)(1)(A)(i) to be submitted as an amendment to the State's plan under title III of Goals 2000.

The House recedes.

132. The Senate amendment titles this provision "CONTENTS" and indicates "each such State plan shall. . . . The House bill indicates Each such plan shall "also."

Legislative Counsel.

133. The House bill refers to "State-established" program goals. The Senate amendment refers to program goals . . . "established by the State."

Legislative Counsel.

134. Technical wording difference. The House bill refers to "they would have if they." The Senate amendment states "as such children would have if such children."

Legislative Counsel.

135. The House bill, but not the Senate amendment, requires each State plan to describe the manner in which the State agency will make subgrants.

The House recedes.

136. The House refers to Sec. 1408 (this citation should be 1411) while the Senate amendment refers to Sec. 1509, both of which are evaluation provisions.

Legislative Counsel.

137. The House bill, but not the Senate amendment, requires the State plan to contain assurances that its State agencies comply with all applicable statutory and regulatory requirements.

The Senate recedes.

138. The Senate amendment, but not the House bill, contains a paragraph entitled, "DURATION OF THE PLAN," providing that the State's plan stays in effect for the length of the State's participation in the program and is to be "reviewed and revised . . . as necessary . . . "

The House recedes.

139. The House bill, but not the Senate amendment, requires a State plan to "provide such other information as the Secretary may reasonably require."

The Senate recedes.

140. Technical/drafting differences.

Legislative Counsel.

141. The Senate amendment addresses the issue of agency eligibility in a separate section.

Legislative Counsel.

142. The House bill says "if it" The Senate bill refers to "if such agency."

Legislative Counsel.

143. The House bill provides that a State agency is eligible if it provides "free public education for children in institutions for delinquent children." The Senate amendment provides that State agencies are eligible if they provide "free public education for children in institutions for neglected or delinquent children, children attending community day programs for neglected and delinquent children, or children in adult correctional institutions."

The House recedes.

144. The House bill refers to "A State agency" and the Senate amendment refers to "Any State agency."

Legislative Counsel.

145. The House bill refers to the State plan under Part A "of this title." The Senate amendment refers to the State plan under Part A.

Legislative Counsel.

146. The House bill, but not the Senate amendment, requires agency applications to provide assurances that priority will be given, when serving youth in adult correctional facilities, to those youth who are likely to complete incarceration within a two-year period.

The Senate recedes.

147. The Senate amendment, but not the House bill, refers to annual updates to be provided "to the State educational agency."

Legislative Counsel.

148. The House bill refers to Sec. 1408 (should be sec. 1411), the Senate amendment to Sec. 1509, their respective sections on evaluations. The House bill requires agencies to describe how the results of the most recent evaluation "are used" to plan and improve the program. The Senate amendment asks for a description of how the results "were used."

Legislative Counsel.

149. Technical differences. The House refers to data showing that the "agency" while the Senate amendment refers to the "State agency." The House bill requires the agency to show how it has maintained "fiscal effort required of a local educational agency." The Senate amendment requires the agency to include data showing it "has maintained fiscal effort as if such agency were a local educational agency." Different section citations.

Legislative Counsel.

150. The House bill requires an applicant agency to describe how its program will be coordinated with other "appropriate State and Federal programs and lists JTPA, vocational education, State

and local dropout prevention programs, and special education as examples. The Senate amendment refers to coordination with "State and Federal programs administered by the State agency" but does not mention any particular programs.

The Senate recedes with an amendment making the list of programs illustrative rather than mandatory.

151. The House bill refers to the professional development of "teachers and other instructional and administrative personnel." The Senate amendment refers to "teachers and other staff."

The House recedes.

152. The House bill refers to "an institution." The Senate amendment refers to "the institution."

Legislative Counsel.

153. The House bill, but not the Senate amendment, requires the agency to indicate how it will endeavor to coordinate with business for training and mentoring for participating youth

The Senate recedes.

154. The House bill, but not the Senate amendment, requires agencies to describe how they will assist in locating alternative programs through which students can continue their education if they are to returning to school.

The Senate recedes with an amendment changing an item description in the state application to an assurance.

155. The House bill, but not the Senate amendment, requires agencies to describe how they will work with parents to secure their assistance in improving the educational achievement of their children and preventing their further involvement in delinquent activities.

The Senate recedes with an amendment changing an item description in the state application to an assurance.

156. The House bill, but not the Senate amendment, requires agencies to describe how they will work with special education youth in order to meet an existing IEP and to include an assurance that they will notify the youth's local school (if they intend to return to school) if the agency determines, during their time in the facility, that the youth is in need of special education services.

The Senate recedes with an amendment changing an item description in the state application to an assurance.

157. The House bill, but not the Senate amendment, requires agencies to describe how they will work with youth who have dropped out of school before entering the facility to re-enter school once they leave the facility to provide the youth with the skills necessary to gain employment, continue their education, or achieve a high school equivalency certificate if the youth does not intend to return to school.

The Senate recedes with an amendment changing an item description in the state application to an assurance.

158. The House bill, but not the Senate amendment, requires agencies to provide assurances that teachers and other qualified staff are also trained to work with children with disabilities and other students with special needs.

The Senate recedes.

159. The House bill, but not the Senate amendment, requires the agency to describe any additional services they will provide to

youth, including career counseling and assistance in securing student loans and grants.

The Senate recedes with an amendment making the listed services illustrative instead of mandatory and adds an "and" between "loans" and "grants".

160. The House bill, but not the Senate amendment, requires agencies to describe how the program will be coordinated with any programs operated under the Juvenile Justice and Delinquency Prevention Act, if applicable.

The Senate recedes with an amendment adding "Prevention" and "or other comparable programs".

161. The Senate amendment, but not the House bill, uses "IN GENERAL" twice.

The Senate recedes.

162. Different section citations. The House bill refers to section 1404(a) and the Senate amendment refers to section 1505(a).

Legislative Counsel.

163. The House bill includes "high school completion" as one of the objectives for which program funds may be used.

The Senate recedes.

164. The Senate amendment entitles this paragraph "USES."

Legislative Counsel.

165. Different section citations. The House bill refers to sec. 1406. The Senate amendment refers to sec. 1507. The House bill refers to "challenging performance standards." The Senate amendment refers to "challenging State content standards and challenging State student performance standards."

Legislative Counsel on the section reference.

The House recedes.

166. The House bill refers to "an opportunity to learn to such challenging State standards." The Senate amendment refers to "an opportunity to learn such standards."

The Senate recedes.

167. Minor technical, specifically different section citations. (However, the House citation appears to be incorrect and should probably be sec. 1121(b)).

Legislative Counsel.

168. Different section citations. (same as above note concerning House citation). The House refers to "of this title."

Legislative Counsel.

169. The Senate amendment, but not the House bill, titles this subsection "PROJECTS AUTHORIZED."

Legislative Counsel.

170. The House bill refers to a State agency that provides a free public education for children "in an institution for delinquent children." The Senate amendment refers to "children in an institution for neglected or delinquent children (other than an adult correctional institution) or attending a community-day program for such children."

The House recedes.

171. The House bill refers to "such" institution. The Senate amendment refers to "that" institution.

Legislative Counsel.

172. The House bill refers to a plan that provides for a comprehensive assessment of the education needs of all youth in the institution or program serving juveniles and for youth aged 20 and younger in adult facilities who are expected to complete incarceration within a 2-year period." The Senate amendment refers to "all individuals under the age of 21 in the institution or program."

The Senate recedes.

173. The House bill requires a plan to describe the steps the agency will take to provide all children under 21 with the opportunity to meet "challenging academic and vocational standards." The Senate amendment refers to "challenging State content standards and challenging State student performance standards.

The House recedes.

174. The House bill states such standards are to "improve the likelihood that the students will complete "high school, attain high school equivalency, or find employment after leaving the institution." The Senate amendment states that such standards are to "improve the likelihood that such children will complete secondary school and find employment after leaving the institution."

The Senate recedes.

175. The House bill refers to the provision of "mentors for secondary school students." The Senate amendment refers to "mentors for students."

The House recedes.

176. The House bill refers to "services in institutions for delinquent children." The Senate amendment refers to "services in institutions or community-day programs for neglected or delinquent children."

The House recedes.

177. The Senate amendment refers to "such teachers and personnel." The House bill refers to "them."

Legislative Counsel.

178. The Senate amendment, but not the House bill requires State agencies, beginning with the 1996–1997 school year, to use funds received under this part only for institution—wide projects, except as provided in section 1510, relating to transition services.

The Senate recedes.

179. The House bill indicates a State agency's application may be approved for a period "not to exceed 3 years." The Senate amendment provides "not more than three years."

Legislative Counsel.

180. The House requires each State agency to reserve not more than 10 percent of the amount it receives to support projects that facilitate the transition of children from State-operated institutions to local educational agencies. The Senate amendment allows State agencies to reserve up to 10 percent to facilitate the transition of children from State-operated institutions "for neglected and delinquent children into locally operated programs."

The Senate recedes.

181. The House bill requires that funds reserved for transition services be used only to provide "transitional educational services." The Senate amendment refers to "special educational services."

The Senate recedes.

182. The House bill includes "counseling and mentoring." The Senate amendment includes "pupil services and mentoring." The House bill refers to "delinquent children." The Senate amendment refers to "neglected and delinquent children."

The House recedes.

183. The Senate amendment includes a subsection entitled, "CONSTRUCTION", which provides that nothing in this section is to be construed to prohibit a school that receives funds subsection (a) from serving neglected and delinquent children simultaneously with students with similar educational needs, in the same educational settings, where appropriate.

The House recedes.

184. The House bill, but not the Senate amendment contains "Subpart 2—Local Agency Programs." From funds retained at the State level based on counts of delinquent youth within the State, the SEA is required to make subgrants to local school districts with the largest number or percentage of delinquents and dropouts in order to operate prevention and intervention programs. Local educational agencies receiving such funds would be required to form partnerships with local facilities housing students from their school district in order to ensure that the education received by youth in such facilities is comparable to that of their peers in their local schools. In addition, local schools would operate dropout prevention programs in order to raise academic achievement among youth at risk of dropping out and of involvement in delinquent activities. Local facilities would be required to provide educational assistance to those students returning to local schools. In addition, for those youth not returning to local schools, facilities would be required to assist in funding alternative education programs for such youth or to provide job training and other employment-related services. Eligible school districts meeting the criteria outlined in this section would participate in this program on a voluntary basis.

The Senate recedes with an amendment substituting new language for subsections (a) through (c) of section 1410 (Programs Operated by Local Educational Agencies), changing most of the local application requirements to assurances, making references to other Acts illustrative in relation to coordination requirements, clarifying that the listed uses of funds are "where appropriate," and the program requirements for local correctional facilities are "where feasible".

185. The House bill requires "Each State agency or local educational agency that conducts a program under subpart 1 or 2 to evaluate the program." The Senate amendment requires "Each State agency that conducts a program or project" to evaluate the program. Both bills require the evaluation to occur at least once every three years and to disaggregate data on participation by sex, and, if feasible, by race, ethnicity, or age. However, there are technical/drafting differences.

The Senate recedes.

186. The House bill refers to "high school graduation." The Senate amendment refers to "secondary school graduation."

Legislative Counsel.

187. The House bill requires the program to evaluate, "for delinquent youth" the ability of participants to make the transition

to a regular program. . . ." The Senate amendment does not limit this requirement to delinquent youth.

The House recedes

188. The House bill requests the evaluation to determine the impact of the program on the ability of participants to complete "high school (or high school equivalency requirements)." The Senate amendment refers to "the completion of secondary school."

The Senate recedes.

189. The House bill refers to "a State agency or local educational agency." The Senate amendment refers only to "a State agency."

The Senate recedes.

190. The House bill refers to "each State agency or local educational agency." The Senate amendment refers only to "each State agency."

The Senate recedes.

191. The House bill requires State agencies to "submit evaluation results to the State educational agency. The Senate amendment requires submission of "results of each evaluation under this section" to the SEA.

The Senate recedes.

192. Technical/drafting differences.

Legislative Counsel.

193. The House bill, but not the Senate amendment, includes a definition for "at risk youth."

The Senate recedes.

194. The House bill defines community-day programs for "delinquent youth." The Senate amendment defines community-day programs for "neglected or delinquent youth."

The House recedes

195. The Senate amendment, but not the House bill, defines "institution for neglected children."

The House recedes

Assistance to Address School Dropout Problems

1. The Senate amendment, but not the House bill, authorizes grants to educational service organizations and consortia thereof for a wide range of programs to prevent dropouts, identification of potential dropouts, and school completion programs. The Senate amendment authorizes appropriations in the amount of $50 million for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.

The House recedes with an amendment (i) placing this authorization in part C of title V of ESEA, (ii) adding a provision relating to continuation assistance, (iii) clarifying that "students reentering school" includes youth returning to school from a correctional or other facility operated for delinquent youth, (iv) providing that addressing factors in a student's decision to drop out of schools includes "activities and services to designed to meet the needs of pregnant and parenting teenagers", and (v) adding "gender" to the data categories of the annual report to Congress.

TITLE II—IMPROVING TEACHING AND LEARNING

Part A—Dwight D. Eisenhower Professional Development Program

Findings

The House bill refers to "reaching the National Education Goals"; the Senate amendment refers specifically to goals three and five and restates each of these goals. The Senate recedes with an amendment adding "particularly Goals 3, 4 and 5" after "National Education Goals."

The House bill refers to "achieving these goals"; the Senate amendment refers to "achieving these two goals." The Senate recedes.

The House bill, but not the Senate amendment, states the development and adoption of high quality curriculum is a means of helping teachers provide challenging learning experiences for students. The House recedes.

The House bill, but not the Senate amendment, includes a finding which states that decisions about State or local activities to improve teaching and learning are best made by individuals closest to the classroom. The Senate recedes.

The House bill refers to "subject-specific pedagogical skills"; the Senate amendment refers to "effective subject-specific pedagogical skills." The House recedes.

The Senate amendment, but not the House bill, includes "pupil services personnel" in the team. The House recedes with an amendment clarifying that, where appropriate, professional development services may be provided to pupil services personnel and to administrators.

The Senate amendment, but not the House bill, includes teacher educators, pupil services personnel, and parents in the professional network. The House recedes with an amendment clarifying that, where appropriate, the professional network may include teacher educators, pupil services personnel, administrators, and parents.

The Senate amendment, but not the House bill, includes a subfinding regarding how professional development can dramatically improve classroom instruction and learning when teachers, administrators, pupil services personnel, and parents are partners in the development and implementation of professional development. The House recedes with an amendment clarifying that, where appropriate, pupil services personnel, administrators, and parents can, in partnership with teachers, develop and implement professional development activities.

The Senate amendment, but not the House bill, includes a subfinding regarding how new and innovative strategies for teaching will require time outside of teaching for teachers for instruction, practice, and collegial collaboration. The House recedes.

The House bill, but not the Senate amendment, includes a finding which states that engaging teachers in the development of high quality curricula is a powerful professional development activity that improves teaching and learning. The House recedes.

The House bill, but not the Senate amendment, includes a finding which states SEAs and LEAs need to engage teachers in the development of high quality curricula that are aligned with State or local content and performance standards in order to improve teaching and learning. The House recedes.

The House bill, but not the Senate amendment, states that curricula development is almost nonexistent in many State and local school systems. The House recedes.

The House bill states that the Federal Government has a vital role in helping States and local educational agencies in providing professional development; the Senate amendment states that the Federal Government has a vital role in helping provide professional development. The Senate recedes.

The House bill, but not the Senate amendment, states that the Federal Government has a vital role in providing assistance to State and local educational agencies in the development of high quality curricula that are aligned with State or local content and performance standards. The House recedes.

The Senate amendment, but not the House bill, includes a finding which states that professional development activities must prepare teachers, pupil services personnel, paraprofessionals, and other staff in effective prevention and intervention strategies to alleviate the need, and assure appropriate referral for special education services and to prepare staff to work collaboratively with mainstreamed special education students consistent with each student's IEP. The House recedes with an amendment striking "effective prevention and intervention strategies to —" and replaces it with "the collaborative skills needed to appropriately teach children with disabilities in the core academic subjects."; striking "consistent with the individualized education program."

This amendment clarifies that professional development activities must prepare teachers, pupil services personnel, paraprofessionals, and other staff in the collaborative skills needed to appropriately teach children with disabilities in the core academic subjects.

The Senate amendment, but not the House bill, includes a finding which states that professional development activities which are designed in cooperation with parents and that focus on the complex social, emotional, and mental health needs of children that may impede learning can help teachers, administrators, and pupil services personnel assist children in overcoming barriers to academic success. The Senate recedes.

The Senate amendment, but not the House bill, includes a finding which states that there are few incentives or sanctions operating to encourage teachers and administrators to work to prepare themselves to be more effective or to participate in professional development activities. The Senate recedes.

The Senate amendment, but not the House bill, includes a finding which outlines the importance of parental involvement and the need to provide parental training and development. The House recedes with an amendment clarifying that professional development should include methods and strategies to better prepare teachers and, where appropriate, administrators, to enable parents to participate fully and effectively in their children's education.

Purposes

The House bill, but not the Senate amendment, states that the purposes of this part are to provide assistance to SEAs, LEAs, and institutions of higher education with teacher education programs so that such agencies can determine how best to improve the teaching and learning of all students. The Senate recedes.

The House bill refers to "sustained and intensive high-quality professional development"; the Senate amendment refers to "high-quality professional development." The Senate recedes with an amendment to ensure that access to professional development is provided to other staff and administrators, where appropriate.

The House bill refers to "challenging State content and performance standards in the core academic subjects"; the Senate amendment refers to "challenging State content standards and challenging State student performance standards." The House recedes.

The Senate amendment, but not the House bill, states that a purpose of this part is to support the development and implementation of sustained and intensive high-quality professional development activities in the core academic subjects. The House recedes.

The House bill lists descriptive factors regarding what constitutes professional development under one purpose statement; the Senate amendment includes a separate purpose statement stating that it is the purpose of this part to help ensure that teachers, administrators, other staff, pupil services personnel, and parents have access to professional development, and then lists the descriptive factors. The House recedes with an amendment clarifying that access to professional development should be provided, where appropriate, to administrators, other staff, pupil services personnel, and parents.

The House bill refers to "challenging State and local curriculum content and student performance standards"; the Senate amendment refers to "challenging State content standards and challenging State student performance standards." The House recedes.

The House bill refers to "diverse students"; the Senate amendment refers to "diverse student populations." The House recedes.

The House bill refers to "challenging performance standards"; the Senate amendment refers to "challenging State student performance standards". The House recedes.

The House bill, but not the Senate amendment, includes an additional purpose of this part of assisting State and local educational agencies to engage teachers in the development of high quality curriculum that is aligned with State or local content and performance standards. The House recedes.

Authorization of Appropriations; Allocation Between Subparts

The House bill directs the Secretary to reserve 5 percent of the funds appropriated to carry out the Federal Activities; the Senate amendment directs the Secretary to reserve 5 percent of the amount appropriated to carry out the Federal Activities, but requires that 10 percent of the 5 percent be available to carry out the National Teacher Training Project. The House recedes with an amendment setting-aside 5 percent of the Secretary's reservation to be used to carry out the National Teacher Training Project.

The House bill directs the Secretary to reserve 95 percent of the funds appropriated to carry out State and Local Activities; the Senate amendment directs the Secretary to reserve 93.75 percent to carry out State and Local Activities. The House recedes with an amendment directing the Secretary to reserve 94 percent of the funds appropriated to carry out State and Local Activities.

The Senate amendment, but not the House bill, directs the Secretary to reserve 1.25 percent of the funds appropriated to carry out the Professional Development Demonstration Project. The House recedes with an amendment directing the Secretary to reserve 1 percent to carry out the Professional Development Demonstration Project, except that for each of the fiscal years 1996 through 1999, the total dollar amount for the demonstration project shall not exceed the amount received in FY 1995.

Subpart 1—Federal Activities

Program Authorized

The House bill refers to "other organizations"; the Senate amendment refers to "organizations." The House recedes.

The House bill refers to "activities of national significance that will contribute"; the Senate amendment refers to "activities of national significance that the Secretary determines will contribute." The House recedes.

The House bill refers to "core academic subject areas"; the Senate amendment refers to "core academic subjects." The House recedes.

The House bill, but not the Senate amendment, includes as an authorized activity supporting the development of challenging curriculum that is aligned with State or local content and performance standards. The House recedes.

The House bill authorizes the Secretary to evaluate activities under the subpart and subpart 2; the Senate amendment authorizes the Secretary to evaluate activities under this subpart and subpart 2 in accordance with section 10701 (the evaluation requirements under the ESEA general provisions). The House recedes.

The Senate amendment, but not the House bill, requires the Secretary to coordinate professional development programs within the Department, particularly within OERI. The House recedes with an amendment requiring the Secretary to also coordinate professional development programs with OSERS

The Senate amendment, but not the House bill, requires the Secretary to consult and coordinate with the Institute of Museum Services. The House recedes.

Authorized Activities

Explanatory Note: The House bill list four activities (seed money to eligible entities; development and maintenance of a national clearinghouse for science, math, and technology; support consortia in disseminating information; and the evaluation of this subpart) which the Secretary must carry out and several optional activities; the Senate amendment only lists optional activities.

The House bill requires the Secretary to provide seed money to eligible entities; the Senate amendment allows the Secretary to provide seed money to eligible entities. The Senate recedes.

Eisenhower National Clearinghouse for Mathematics and Science Education

The House bill includes the requirement for the Mathematics and Science Education Clearinghouse as part of a section; the Senate amendment places the authorization for the Clearinghouse in a separate section. The Senate recedes.

The House bill, requires the Secretary to use funds to develop and maintain a national clearinghouse for science, mathematics, and technology education materials and requires that it be administered as an adjunct clearinghouse of the ERIC system supported by OERI; the Senate amendment allows the Secretary to establish an Eisenhower national clearinghouse for mathematics and science education; delineates the duration of the grant, the use of funds, and other requirements with regard to the clearinghouse. The House recedes with an amendment requiring the Secretary to award a grant or contract to establish the National Clearinghouse.

The House bill requires the Secretary to use funds to support consortia of educational agencies and organizations in disseminating information and providing assistance regarding curricula, teaching methods, and assessment tools that support national or State content standards in mathematics and science; the Senate amendment has a similar provision in its technical assistance program, but it is only concerned with mathematics and science. The House recedes.

The House bill requires the Secretary to use funds to evaluate programs under this subpart (Federal Activities) and Subpart 2 (State and Local Activities); the Senate amendment allows the Secretary to use funds to evaluate programs under this subpart and subpart 2 in accordance with section 10701 (the ESEA general provisions requirements regarding evaluation). The Senate recedes with an amendment clarifying that the evaluations be conducted in accordance with the ESEA provisions regarding evaluations.

The House bill requires that any national clearinghouses for core academic subjects that are established be administered as adjunct clearinghouses for the ERIC system of clearinghouses supported by the Office of Educational Research and Improvement; the Senate amendment allows the Secretary to develop and maintain a national clearinghouse for each core academic subject as the Secretary determines necessary. The Senate recedes.

The House bill, but not the Senate amendment, allows the Secretary to provide grants to entities to develop high quality curricula that are aligned with voluntary national or State content standards. The House recedes.

Both the House bill and the Senate amendment allow the Secretary to use funds for professional development institutes, but the House bill allows the Secretary to "sponsor" such institutes and refers to teachers and administrators as the participants; the Senate amendment refers to teams of teachers or teachers, administrators, pupil services personnel, and other staff from individual schools as the participants. The House recedes with an amendment clarifying that the institutes may serve, where appropriate, administrators, pupil services personnel, and other staff.

The House bill, but not the Senate amendment, allows the Secretary to use funds to train teachers in the innovative uses and applications of technology to enhance student learning. The Senate recedes.

Both the House bill and the Senate amendment allow the Secretary to use funds to encourage the development of local and national professional networks, but the House bill states that such networks should be "of educators"; the Senate amendment gives an illustrative example of the networks, and states that the network should "provide a forum for interaction among teachers of the core academic subjects and that allow the exchange of information on advances in content and pedagogy. The House recedes with an amendment further clarifying that the list of examples is illustrative.

Both the House bill and the Senate amendment have similar allowable activities with regard to dissemination of standards (with some minor phrasing and drafting differences), but the House bill refers to "disseminate standards" while the Senate amendment refers to "development and dissemination of teaching standards." The House recedes with an amendment clarifying that the teaching standards be model standards including the dissemination of voluntary national content and performance standards and related models of high quality professional development.

The House bill refers to "voluntary national content and performance standards"; the Senate amendment refers to "voluntary national content standards and voluntary national performance standards." The House recedes with an amendment adding State content standards and State performance standards.

The House bill, but not the Senate amendment, allows the Secretary to use funds for efforts to train teachers in innovative uses of applied learning strategies such as service learning. The Senate recedes with an amendment rewriting the House provision to include efforts to train teachers in innovative instructional methodologies designed to meet the diverse learning needs of individual students, including methodologies which integrate of academic and vocational learning and applied learning; and interactive, interdisciplinary team teaching, and other alternative strategies such as service learning, experiential learning, career-related education, and environmental education, that integrate real world applications into the core academic subjects.

The House bill refers to "achieve challenging performance standards"; the Senate amendment refers to "challenging State student performance standards." The House recedes.

The Senate amendment, but not the House bill, allows the Secretary to use funds for the development of exemplary methods of assessing teachers, other staff, and administrators for licensure and certification. The Senate recedes.

The Senate amendment, but not the House bill, allows the Secretary to use funds for the development and testing of incentive strategies for motivating teachers, administrators, and pupil services personnel to increase their effectiveness through professional development. The Senate recedes.

The Senate amendment, but not the House bill, allows the Secretary to use funds for the development of innovative intervention and prevention strategies with regard to special education services. The House recedes with an amendment striking "(A) alleviate the need, or assure appropriate referral, for special education services; and (B) prepare general education and special education teachers, paraprofessionals and pupil services personnel in effective integration of students with disabilities into general education settings, consistent with such student's individualized education program." and replacing it with the following after "strategies to" ": develop activities to prepare teachers, and where appropriate, pupil services personnel and other staff, in the collaborative skills needed to appropriately teach children with disabilities in the core academic subjects."

The amendment effectively allows the Secretary to develop activities to prepare teachers, and where appropriate, pupil services personnel and other staff, in the collaborative skills needed to appropriately teach children with disabilities in the core academic subjects.

The Senate amendment, but not the House bill, allows the Secretary to use funds for encouraging the development of innovative models for recruitment, induction, retention and assessment of new, highly qualified teachers, especially teachers from historically under-represented groups. The House recedes.

The Senate amendment, but not the House bill, allows the Secretary to use funds for joint activities with other Federal agencies and entities engaged in or supporting similar professional development efforts. The House recedes.

The Senate amendment, but not the House bill, allows the Secretary to use funds for the development of programs which prepare teachers to incorporate environmental education in the core academic subjects. The Senate recedes.

The House bill, but not the Senate amendment, requires the Secretary, when carrying out the mandatory activities in subsection (a), to ensure that each program, project, and activity listed in subsection (a) receive an allocation that is no less than the amount that each received in fiscal year 1994. The House recedes.

National Teacher Training Project

The Senate amendment, but not the House bill, creates a new program entitled the "National Teacher Training Project Act" which authorizes the Secretary to award not more than 10 grants to eligible recipients to support and promote the establishment of teacher training programs (based on the National Writing Project model) in early childhood development and, to the extent feasible, in each of the 9 core academic subjects; to support classroom research on effective teaching; and to pay the Federal share of the costs of the program. The House recedes with an amendment requiring that 5 percent of the Secretary's set-aside for national activities be used to carry out this program.

Subpart 2—State and Local Activities

Program Authorized

The House bill, but not the Senate amendment, authorizes the Secretary to make grants to SEA's for the development by teachers and others of high-quality curricula that are aligned with State or local content and performance standards. The House recedes.

Allocation of Funds

Within-State Allocations

The House bill authorizes States to reserve not more than 5% of the funds a State receives for the administrative costs of programs carried out by the SEA and by the State agency for higher education; the Senate amendment authorizes the State to reserve not more than 5% of 75% of the amount of funds a State receives for SEA administrative costs (the Senate amendment does provide for administrative costs for the State agency for higher education). The House recedes with an amendment authorizing the State to reserve 84 percent of the funds received for local activities.

The House bill authorizes States to reserve not more than 5% of the funds a State receives to carry-out State level activities consistent with section 2125 of the House bill; the Senate amendment authorizes States to reserve not more than 5% of 75% of the amount of funds a State receives for State-level activities, consistent with section 2126 of the Senate amendment. The House recedes with an amendment which allows States to reserve 5 percent of 84 percent of the funds received for State administrative costs and for State-level activities.

The House bill, after allowing States to reserve a total of not more than 10% of the amount of funds a State receives for SEA and higher education agency administration and state activities, requires that 87% of the remaining funds be distributed to LEAs on the basis of a formula; the Senate amendment requires that 75% of the amount of funds a State receives be available for State and local activities, and then allows States to reserve not more than a total of 10% of that 75% for SEA administration and activities. The House recedes.

The House bill, after allowing States to reserve a total of not more than 10% of the amount of funds a State receives for SEA and higher education agency administration and state activities, requires that 13% of the remaining funds be used for competitive grants to institutions of higher education; the State amendment requires that 25% of the funds a State receives shall be available to the State agency for higher education. The House recedes with an amendment which requires that 16 percent of the funds the State receives shall be available for higher education activities except that no State agency for higher education shall receive less than was received in fiscal year 1994.

The House bill allows not more than 5% of a State's allocation to be used for administrative costs by the SEA and the State agency for higher education; the Senate amendment allows that not more than 5% of the amount reserved for the State agency for higher education be used for administrative costs for that agency. The House recedes.

Consortium Requirement

The House bill requires an LEA which receives an allocation of less than $10,000 under subsection (a) to form a consortium with at least 1 other LEA or institution of higher education which receives assistance under this section; the Senate amendment requires an LEA, which receives an allocation of less than $10,000 under this part, to form a consortium with another LEA or with an educational service agency serving another LEA in order to be eligible to participate in programs assisted under this part. The House recedes.

The House bill requires the SEA to waive the consortium requirement if an LEA can demonstrate that the amount received allows the LEA to provide a program of sufficient size, scope, and quality to be effective and, when granting the waiver, the SEA must give special consideration to LEAs serving rural areas and consider State or local cash or in-kind contributions that may be combined with an LEA's allocation to provide services under this part; the Senate amendment allows the chief State school officer to waive the consortium requirement if distances or traveling time between schools make formation of the consortium, more costly or less effective. The Senate recedes with an amendment allowing SEAs to waive the consortia requirement and requiring SEAs to give special consideration to rural LEAs if distances or traveling time between schools make formation of the consortium more costly or less effective.

The Senate amendment, but not the House bill, requires that each consortium rely, as much as possible, on technology or other arrangements to deliver staff development tailored to the needs of each school or school district participating in a consortium required under this section. The House recedes.

State Applications

The House bill requires applications to include a State plan that is integrated with the State's plan that is either being developed or approved under Goals 2000, or, if the State does not have an approved Goals 2000 State plan and is not developing such a plan, with other State plans under this Act; the Senate amendment requires applications to include a State plan for professional development. The Senate recedes with an amendment requiring State applications to include a plan that is coordinated with other plans under this Act, the Goals 2000: Educate America Act, and other Acts, consistent with the general provisions requirements in ESEA.

The House bill, but not the Senate amendment, includes members of the public who are interested in improving education in the State among the list of entities which must be involved in developing the State's plan. The House recedes.

The Senate amendment, but not the House bill, includes nonprofit organizations of demonstrated effectiveness and pupil services personnel among the list of entities which must be involved in developing the State's plan. The House recedes with amendment adding community-based non-profit organizations of demonstrated effectiveness as one of the organizations that must participate in the development of the State plan.

The Senate amendment, but not the House bill, includes pupil services personnel. The House recedes with an amendment requiring the State plan to be designed to give, where appropriate, administrators and pupil services personnel the knowledge and skills necessary to provide all students the opportunity to achieve standards.

The House bill refers to "challenging State performance standards"; the Senate amendment refers to "challenging State content standards and challenging State student performance standards." The House recedes.

The House bill refers to "professional development"; the Senate amendment refers to "professional development specifically related to subparagraph (B)." The House recedes.

The House bill, but not the Senate amendment, requires that the State plan include an assessment of State and local needs for the development of curricula that are aligned with State or local content and performance standards. The House recedes.

The House bill, but not the Senate amendment, requires that the State plan include a description of how the plan has assessed the needs of LEAs serving rural areas, and what actions are planned to meet those needs. The Senate recedes with an amendment adding, "and urban" after "rural."

The Senate amendment, but not the House bill, creates a new section entitled "Priority for Professional Development in Mathematics and Science." The House recedes.

The House bill requires that the State plan include a description of how the plan has maintained funding for professional development activities in mathematics and science; the Senate amendment requires that all funds distributed to LEAs be used for math and science professional development when the appropriation is less than $250,000,000; when the appropriation is at $250,000,000 or above, LEAs must use all the funds up to $250,000,000 for math and science professional development and 10% of any funding increase above the $250,000,000 must be used for math and science. The House recedes with an amendment striking the Senate language with regard to appropriations equal to or above $250 million and instead including that States are permitted and encouraged to direct amounts above the $250 million to professional development in mathematics and science.

The House bill, but not the Senate amendment, requires that the State plan include a description of how the State, local, and higher education activities will address the needs of teachers in Title I schools. The Senate recedes.

The House bill requires that the State plan includes a description of how programs in all core academic subjects, but especially in math and science, will take into account the need for greater access to, and participation in, such disciplines by students from historically under-represented groups (the House bill includes illustrative examples of under-represented groups) by incorporating pedagogical strategies and techniques which meet their needs; the Senate amendment requires the State plan to describe how the State will ensure a strong focus on professional development in mathematics and science taking into account the need for greater access to, and participation in, such disciplines by students from historically under-represented groups. The Senate recedes with an amendment changing "the disabled" to "individuals with disabilities."

The House bill allows States to use funds depending on the outcome of the State's needs assessments; the Senate amendment allows States to use funds only for professional development. The Senate recedes with an amendment clarifying that funds must be used consistent with the State's needs assessment, and striking "demonstrates a need for professional development."

The House bill refers to "teachers, including teachers in schools receiving assistance under part A of Title I of this Act"; the Senate amendment refers to "teachers." The Senate recedes.

The Senate amendment, but not the House bill, includes parents. The House recedes.

The Senate amendment, but not the House bill, includes educational service agencies. The House recedes.

The House bill refers to "institutions of higher education"; the Senate amendment refers to "institutions of higher education or nonprofit organizations of demonstrated effectiveness." The House recedes.

The House bill refers to "professional development in all the core academic subject areas, but especially in mathematics and science"; the Senate amendment refers to "professional development in the core academic subjects." The House recedes.

The House bill requires the State plan to describe how the State will take specific steps to review, and if necessary, reform State requirements for licensure of teachers and administrators in order to align those requirements with State content and performance standards; the Senate amendment requires the State, in the State plan, to describe how the State requirements for licensure of teachers and administrators support challenging State content standards and challenging State student performance standards. The House recedes with an amendment clarifying that the State plan describe whether State requirements for teacher and administrator licensure are aligned with State content standards and performance standards.

The House bill refers to "address the need for improving teaching and learning through teacher development"; the Senate amendment refers to "describe the need for teacher development." The Senate recedes.

The Senate amendment, but not the House bill, requires the State, when describing the need for teacher development in the State plan, to take into account the need, as determined by the State, for greater access to and participation in the teaching profession by individuals from historically under-represented groups. The House recedes.

The Senate amendment, but not the House bill, requires the State, in the State plan, to describe how the State will prepare all teachers to teach children with diverse learning needs, including children with disabilities. The House recedes.

The Senate amendment, but not the House bill, requires the State, in the State plan, to describe how the State will prepare teachers, paraprofessionals and pupil services personnel in effective prevention and intervention strategies to alleviate the need, and assure appropriate referral for, special education services, and to prepare general and special education staff to work collaboratively to educate with students with disabilities who are in the regular classroom, consistent with the student's IEP. The House recedes with an amendment striking "effective prevention and intervention strategies to" and inserting after "personnel" the following: "and other staff in the collaborative skills needed to appropriately teach children with disabilities in the core academic subjects." and striking the text of (i) and (ii).

This amendment effectively requires the State to describe how it will prepare teachers, and where appropriate, pupil services personnel and other staff, in the collaborative skills needed to appropriately teach children with disabilities in the core academic subjects.

The Senate amendment, but not the House bill, requires the State, in the State plan, to describe how the State will use technology, including the emerging national information infrastructure, to enhance the professional development of teachers, administrators, and pupil services personnel. The House recedes with an amendment requiring that where appropriate, administrators and pupil services personnel be included in such professional development activities.

The Senate amendment, but not the House bill, requires the State, in the State plan, to describe how the State will provide incentives to teachers and administrators to focus their professional development on preparing themselves to provide instruction consistent with challenging State content standards and challenging State student performance standards. The House recedes.

The Senate amendment, but not the House bill, requires the State, in the State plan, to set specific outcome performance indicators for professional development. The House recedes with an amendment striking "outcome performance indicators" and instead referring to "performance indicators".

The Senate amendment, but not the House bill, requires the State, in the State plan, to describe how parents can be involved in professional development programs to enhance their participation in the education of their children. The House recedes.

The House bill, but not the Senate amendment, requires the State, if the State's needs assessment demonstrates a need for curricula development, to describe in the State plan a strategy for engaging teachers in the development of curricula that are aligned with State or local content and performance standards and how the State will work with administrators, parents, school board members, and other members of the community in developing high quality curricula that are aligned with State or local content and performance standards. The House recedes.

The Senate amendment, but not the House bill, requires that each State plan remain in effect for the duration of the State's participation in the program authorized under this subpart, and that the plan be periodically reviewed and revised by the State, as necessary, to reflect changes in the State's strategies and programs under this subpart. The House recedes.

The Senate amendment, but not the House bill, requires that the State plan describe how activities under this subpart will be coordinated with activities conducted under parts B and D of the Individuals with Disabilities Education Act. The House recedes with an amendment striking "part B and D of the Individuals with Disabilities Education Act" and instead referring to the Individuals with Disabilities Education Act.

The Senate amendment, but not the House bill, requires that the State plan describe how activities under this subpart will be coordinated with resources from museums, libraries, educational television stations, and public and private nonprofit organizations of demonstrated experience. The House recedes.

The Senate amendment, but not the House bill, includes Federal funds from the Institute of Museum Services among the list of funding with which activities under this subpart must be coordinated. The House recedes.

State-Level Activities

The House bill refers to "State's content standards"; the Senate amendment refers to "State's challenging State content standards." The House recedes.

The House bill refers to "challenging State performance standards"; the Senate amendment refers to "challenging State student performance standards." The House recedes.

The House bill, but not the Senate amendment, directs States to pay special attention to LEAs and schools receiving Title I assistance when providing technical assistance. The Senate recedes.

The House bill, but not the Senate amendment, allow States to provide technical assistance to schools and LEAs in order to help such entities develop high quality curricula. The House recedes.

The House bill, not the Senate amendment, allows States to use funds to develop partnerships between schools, consortia of schools, of LEAs and institutions of higher education to provide professional development services and to encourage students studying to become teachers to have direct, practical experience in schools. The Senate recedes.

The House bill allows States to use funds to enhance the effective use of technology as an instructional tool for increasing student understanding of the core academic subjects; the Senate amendments allow States to use funds for professional development in the effective use of technology as an instructional tool for increasing student understanding of the core academic subjects. The House recedes.

The House bill, not the Senate amendment, in allowing States to use funds for effective use of technology, gives, as an example of this "use", efforts to train teachers in the innovative uses and application of instructional technology. The House recedes.

The House bill, not the Senate amendment, in allowing States to use funds for effective use of technology, gives as an example of this "use", utilizing and strengthening existing telecommunications infrastructure dedicated to educational purposes. The House recedes.

The House bill refers to "access to and teaching practices"; the Senate amendment refers to "students' access to computers and other educational technology and in teaching practices." The House recedes.

The House bill refers to "curriculum development and technical assistance processes"; the Senate amendment refers to "assessment, curriculum development, and technical assistance processes." The House recedes.

The House bill refers to "teachers and other school staff"; the Senate amendment refers to "teachers, pupil services personnel, and other school staff." The House recedes with an amendment clarifying that professional development services be provided to pupil services personnel and other school staff where appropriate.

The House bill refers to "challenging State performance standards"; the Senate amendment refers to "challenging State content standards and challenging State student performance standards." The House recedes.

The House bill refers to "designing .professional development activities that increase"; the Senate amendment refers to "professional development and recruitment activities designed to increase." The House recedes.

The House bill refers to "numbers of members of minority and other under-represented groups"; the Senate amendment refers to "numbers of minorities, individuals with disability and females." The House recedes.

The House bill refers to "in the teaching force in the core subjects"; the Senate amendment refers to "teaching in the core academic subjects in which such individuals are under-represented." The House recedes.

The House bill, but not the Senate amendment, allows States to use funds to develop high quality curriculum that is aligned with State or local content and performance standards. The House recedes.

The House bill allows States to use funds to provide financial or other incentives for teachers to become certified by the National Board for Professional Teaching Standards; the Senate amendment allows States to use funds to provide financial or other incentives for teachers to become certified by nationally recognized professional teacher enhancement organizations. The House recedes.

The Senate amendment, but not the House bill, allows States to use funds for designing systems that enable teachers to meet pay ladder professional development requirements that are tied to the content standards. The Senate recedes.

The Senate amendment, but not the House bill, allows States to use funds for professional development that is designed to provide the collaborative skills that are needed to appropriately serve children with disabilities in the general education setting consistent with the IEP, and to develop the skills needed for effective prevention and intervention teaching strategies to alleviate the need, or assure appropriate referral, for special education services. The House recedes with an amendment striking the text of (a) and (b) and replacing it with the following: "prepare teachers, and where appropriate, pupil services personnel, paraprofessionals and other staff, in the collaborative skills needed to appropriately teach children with disabilities in the core academic subjects."

This amendment allows local educational agencies to provide professional development activities which prepare teachers, and where appropriate, pupil services personnel, paraprofessionals, and other staff, in the collaborative skills needed to appropriately teach children with disabilities in the core academic subjects.

The Senate amendment, but not the House bill, allows States to use funds for identifying, developing, or supporting parental involvement programs to better equip parents to participate in the education of their children. The House recedes with an amendment to clarify that funds may be used for identifying, developing or supporting professional development strategies and programs to better equip parents in assisting their children to raise their achievement in the core academic subjects.

The Senate amendment, but not the House bill, allows States to use funds for professional development activities designed to increase the number of women and other under-represented groups in the administration of schools. The House recedes.

The Senate amendment, but not the House bill, allows States to use funds to provide training for LEA employees in the area of early childhood development to ensure that early childhood education services provided to low income students below the age of compulsory school attendance comply with the Head Start performance standards. The House recedes.

The Senate amendment, but not the House bill, allows States to use funds to provide technical assistance to teachers, administrators, parents, and related services personnel in the area of early childhood development in order to ensure that early childhood education services provided to low income students below the age of compulsory school attendance comply with the Head Start performance standards. The House recedes.

Local Plan and Application for Improving Teaching and Learning

The House bill, but not the Senate amendment, clarifies that LEAs may submit applications singly or as consortia. The Senate recedes.

The House bill, but not the Senate amendment, requires an LEA, if it has an application approved by the State under Goals 2000, to have its application under this program as a component of, or an addendum to its Goals 2000 application. The Senate recedes with an amendment requiring each LEA to make its Eisenhower application a component of its plan, as appropriate, under other ESEA programs, Goals 2000, or other Acts.

The House bill requires an LEA to set specific performance indicators for improving teaching and learning through professional development and curriculum development; the Senate amendment has a similar provision under the application contents. The Senate recedes with an amendment striking the reference to curriculum development.

The House bill requires an LEA to submit, as part of its application, the results of the needs assessment and the LEA plan; the Senate amendment has a similar requirement. The House recedes.

The House bill requires an LEA to include in its application an assessment of its need for professional development and an assessment of its need for the development of high quality curricula that are aligned with State or local content and performance standards; the Senate amendment requires an LEA to include in its application an assessment of local needs for professional development as identified by the LEA and school staff. The House recedes.

The House bill requires that the needs assessment be carried out with the involvement of teachers, including teachers in Title I schools, and that the assessment take into account what activities need to be conducted in order to give teachers and administrators the means to provide students with the opportunity to meet the State or local performance standards; the Senate amendment requires that the need for professional development be identified by the LEA and school staff. The Senate recedes with an amendment clarifying that professional development services include administrators, where appropriate.

The House bill requires that the LEA plan be developed jointly by the LEA and by teachers from the core academic disciplines, and that the teachers be representative of both the grade spans within the schools to be served and Title I schools; the Senate amendment requires that the LEA plan be developed with the extensive participation of teachers, administrators, staff, and pupil services personnel. The House recedes with an amendment requiring that each LEA's plan for professional development be focused on teaching and learning in the core academic subjects, clarifying that, where appropriate, administrators participate in the development of the plan, and requiring that the teachers served by the professional development be representative of the grade spans within schools to be served and of schools which receive Title I assistance.

The House bill, but not the Senate amendment, requires LEA plans to describe a number of items based on the LEA's need assessment. The Senate recedes.

The House bill, but not the Senate amendment, requires the LEA plan to include a description of the LEA's strategy to improve teaching and learning in every school. The House recedes.

The House bill, but not the Senate amendment, requires the LEA plan to include a description of how the plan contributes to the LEA's overall efforts for school reform and educational improvement. The Senate recedes.

The House bill, but not the Senate amendment, requires the LEA plan to include a description of the activities the LEA intends to undertake under this subpart consistent with the LEA's needs assessment. The House recedes.

The House bill, but not the Senate amendment, requires the LEA plan to include a description of how the plan has maintained funding for professional development activities in math and science education. The House recedes.

The House bill, but not the Senate amendment, requires the LEA plan to include a description of how the activities funded under this section will address the needs of teachers in Title I schools. The Senate recedes.

The Senate amendment, but not the House bill, requires that the LEA professional development plan be aligned with the State's challenging State content standards and challenging State student performance standards. The House recedes.

The Senate amendment, but not the House bill, requires that the LEA professional development plan describe a strategy, tied to challenging State content standards and challenging State student performance standards, for addressing the needs identified in the needs assessment. The House recedes with an amendment clarifying that the strategy be consistent with the needs assessment carried out by the LEA.

The Senate amendment, but not the House bill, requires the LEA professional development plan include strong academic content and pedagogical components. The Senate recedes.

The Senate amendment, but not the House bill, requires the LEA professional development plan be of sufficient intensity and duration to have a positive and lasting impact on the student's performance in the classroom. The House recedes.

The Senate amendment requires the LEA professional development plan to set specific outcome performance indicators; the House bill has a similar provision. the Senate recedes.

The House bill and the Senate amendment have similar provisions which require the LEA plan to take into account the need for greater access to, and participation in, the core academic subjects, especially math and science, by students from historically under-represented groups, but the House bill gives illustrative examples of the under-represented groups and suggests that the plan incorporate pedagogical strategies and techniques which meet the under-represented groups' educational needs. The Senate recedes with an amendment striking "the disabled" and replacing it with "individuals with disabilities."

The House bill refers to "using the performance indicators"; the Senate amendment refers to "using the outcome performance indicators to determine the effectiveness of such activities." The Senate recedes.

The House bill requires the local plan to describe how the program funded by this subpart will be coordinated with the activities conducted by institutions of higher education under this program and other services of such institutions; the Senate amendment requires that the local plan describe how the program will be coordinated with the services of institutions of higher education. The Senate recedes.

The House bill requires that the local plan describe how the program funded by this subpart will be coordinated with similar State and local activities; the Senate amendment requires that the local plan describe how programs funded under this subpart will be coordinated with State and local funds. The Senate recedes.

The House bill requires the local plan to describe how the program will be coordinated with resources from other ESEA programs, particularly the technology program under title II, part B; the Senate amendment requires the local plan to describe how the program will be coordinated with resources provided under other ESEA programs. The House recedes.

The House bill requires the local plan to describe how the program will be coordinated with resources from private non-profit organizations (including museums, libraries, educational television stations, community-based organizations, professional organizations, and associations specializing in, or with a demonstrated expertise in the core academic disciplines); the Senate amendment requires the local plan to describe how the program will be coordinated with resources from museums, libraries, educational television stations, and public and private nonprofit organizations of demonstrated experience. The Senate recedes with an amendment adding public non-profit organizations to the list of entities.

The House bill refers to "funds or programming from other Federal agencies"; the Senate amendment refers to "funds received from other Federal agencies." The Senate recedes.

The Senate amendment, but not the House bill, requires the local plan to describe how the program will be coordinated with funds received from the Institute of Museum Services. The House recedes.

The Senate amendment, but not the House bill, requires the local plan to describe how the program will be coordinated with the services of educational service agencies. The House recedes.

The Senate amendment, but not the House bill, requires the local plan to describe how the program will be coordinated with the resources provided under parts B, D, and H of IDEA. The House recedes with an amendment striking the reference to part B, D, and H of the Individuals with Disabilities Education Act and instead referring to the Individuals with Disabilities Education Act.

The Senate amendment, but not the House bill, requires the local plan to describe the strategies that will be employed to more fully and effectively involve parents in the education of their children. The House recedes with an amendment clarifying that the strategies be professional development strategies.

The Senate amendment, but not the House bill, requires that each local plan remain in effect for the duration of the LEA's participation under this subpart, and the plan be periodically reviewed and revised by the LEA, as necessary, to reflect changes in the LEA's strategies and programs under this subpart. The House recedes.

Local-Cost Sharing

The House bill, but not the Senate amendment, clarifies that non-Federal sources of cash expenditures may include private contributions. The Senate recedes.

The House bill, but not the Senate amendment, allows cash expenditures from non-Federal sources directed toward curriculum development activities to be used to meet the local cost sharing requirement. The House recedes.

The House bill, but not the Senate amendment, allows release time for teachers participating in curriculum development to be used to meet the local cost sharing requirement. The House recedes.

The House bill refers to "if used for professional development or curricula development activities"; the Senate amendment refers to "so long as funds are used for professional development activities." The House recedes.

The Senate amendment, but not the House bill, allows programs that are related to the purpose of this Act and administered by the Institute of Museum Services to be used to meet the local cost sharing requirement. The House recedes.

Local Allocation of Funds and Allowable Activities

The Senate amendment, but not the House bill, allows parts B and D of IDEA to be used to meet the local cost sharing requirement. The House recedes with an amendment striking the reference to parts B and D of the Individuals with Disabilities Education Act and instead referring to the Individuals with Disabilities Education Act.

The Senate amendment, but not the House bill, includes a special rule which allows an LEA to meet the local cost sharing requirement through contributions that are provided in cash or in kind, fairly evaluated. The House recedes.

The House bill, but not the Senate amendment, allows the SEA to waive the local cost sharing requirement if an LEA can demonstrate that it is unable to meet the requirement due to economic hardship and that compliance with the requirement would preclude its participation in this program. The Senate recedes.

The House bill requires that not less than 80% of the funds received by an LEA be utilized for providing professional development of teachers, principals, and other instructional staff who work directly with children and for engaging teachers and other staff in the development of high quality curricula that is aligned with State and local content standards; the Senate amendment requires that at least 80% of the funds received by an LEA be utilized for providing professional development of teachers, administrators, pupil services personnel, parents, and other staff of individuals schools. The House recedes with an amendment clarifying that where appropriate, professional development should be provided to administrators, pupil services personnel, parents, and other staff.

Technical Note: It was the intention of the House that the language beginning "in a manner that is determined." through the end of subparagraph (B) was to apply to both subparagraph (A) and (B).

The Senate amendment, but not the House bill, requires that professional development, to the extent practicable, take place at the individual school site. The House recedes.

The House bill, but not the Senate amendment, requires that curricula development activities be consistent with other plans for curricula development carried out with Federal, State, or local funds. The House recedes.

The Senate amendment, but not the House bill, requires professional development activities to be consistent with other Federal, State or local plans for professional development only if such plans emphasize sustained, ongoing activities. The House recedes.

The House bill, but not the Senate amendment, allows LEAs to use not more than 20% of their funds for district level curricula development activities. The House recedes.

The House bill makes it optional for administrators and policymakers to be involved in district-level professional development or curricula development activities if those activities directly support instructional personnel; the Senate amendment requires that district level professional development activities include administrators, policy-makers, and parents. The House recedes with an amendment clarifying that where appropriate, administrators, policymakers, and parents be included in the district-level professional development activities.

The House bill requires schools and LEAs receiving funds to use such funds for activities that give teachers and administrators the knowledge and skills to provide students with the opportunity to meet challenging State or local content and performance standards; the Senate amendment requires schools and LEAs receiving funds to use such funds for activities that contribute to the implementation of the LEA's profession. The Senate recedes.

The House bill, but not the Senate amendment, states explicitly that funds received by LEAs and schools can only be used for those activities that are specifically outlined in the legislation. The House recedes.

The House bill, but not the Senate amendment, requires that not less than 80% of the funds received shall be used for professional development activities, and not more than 20% of the funds received shall be used for curricula development activities. The House recedes.

The House bill, but not the Senate amendment, requires that if an LEA's needs assessment determines that funds received should be used to provide professional development in the core academic subjects for teachers and other school staff, then the LEA shall use its funds for professional development that will support teaching which is consistent with State or local content standards, and which, to the extent practicable, is coordinated with professional development activities of institutions of higher education and activities carrier out by institutions of higher education with funds received under this program. The House recedes.

Explanatory Note: The House bill, but not the Senate amendment, has a listing of six criteria with which professional development activities conducted by LEAs and schools with funds under this program must be consistent.

The House bill, but not the Senate amendment, requires that LEA and school professional development activities be tied to challenging State or local content and student performance standards. The Senate recedes with an amendment striking "State or local content and student performance standards" and replacing the phrase with "State content standards or challenging local content standards and challenging State student performance standards or challenging local student performance standards."

The House bill, but not the Senate amendment, requires that LEA and school professional development activities reflect recent research on teaching and learning. The Senate recedes with an amendment requiring professional development activities to take into account research on teaching and learning.

The House bill requires that LEA and school professional development activities incorporate effective strategies, techniques, methods, and practices for meeting the educational needs of diverse students in order to ensure that all students have the opportunity to achieve challenging performance standards; the Senate amendment allows LEAs and schools to conduct professional development activities which incorporate effective strategies, techniques, methods, and practices for meeting the educational needs of diverse students. The House recedes.

The House bill, but not the Senate amendment, requires that LEA and school professional development activities include strong academic content and pedagogical components. The Senate recedes.

The House bill, but not the Senate amendment, requires that LEA and school professional development activities be of sufficient intensity and duration to have a positive and lasting impact on the teacher's performance in the classroom. The Senate recedes.

The House bill, but not the Senate amendment, requires that LEA and school professional development activities be part of the everyday life of the school and create an orientation toward continuous improvement throughout the school. The House recedes.

The Senate amendment, but not the House bill, includes pupil services personnel among those individuals for whom professional development can be provided. The House recedes with an amendment allowing professional development to be provided, where appropriate, to administrators, pupil services personnel, or other staff.

The House bill refers to "State or local content standards"; the Senate amendment refers to "challenging State content standards and challenging State student performance standards." The House recedes.

The Senate amendment, but not the House bill, allows LEAs and schools to provide professional development to create a school environment conducive to high achievement in the core academic subjects. The Senate recedes.

The Senate amendment, but not the House bill, clarifies that "support and time", in the case of teachers, may include release time with pay. The House recedes.

The Senate amendment, but not the House bill, allows schools and LEAs to provide pupil services personnel with support and time to enable them to participate in professional development activities. The House recedes with an amendment clarifying that support and time be provided to pupil services personnel and other staff where appropriate.

The House bill, but not the Senate amendment, includes educational partnership organizations among the list of providers of professional development. The Senate recedes.

The Senate amendment, but not the House bill, includes science centers among the list of providers of professional development. The House recedes.

The Senate amendment, but not the House bill, allows LEAs and schools to use funds to establish and maintain local professional networks of pupil services personnel. The Senate recedes.

The Senate amendment, but not the House bill, allows LEAs and schools to use funds to prepare teachers in the effective use of assistive technology. The House recedes.

The House bill refers to "activities to enable teachers"; the Senate amendment refers to "professional development to enable teachers, pupil services personnel, and other school staff." the

House recedes with an amendment clarifying that professional development activities may be provided, where appropriate, to pupil services personnel and other school staff.

The House bill refers to "challenging State performance standards"; the Senate amendment refers to "challenging State content standards and challenging State student performance standards." The House recedes.

The House bill allows schools and LEAs to use funds for professional development and recruitment activities to increase the number of minorities, individuals with disabilities, and females teaching in the core academic subjects in which they are under-represented; the Senate amendment allows schools and LEAs to use funds for professional development activities to increase the numbers of minorities, individuals with disabilities, and other underrepresented groups in the teaching force. The Senate recedes.

The Senate amendment, but not the House bill, allows schools and LEAs to use funds for professional development activities to increase the numbers of women and members of other under-represented groups who are science and mathematics teachers, for example, through career ladder programs that assist educational paraprofessionals to obtain teaching credentials. The House recedes with an amendment clarifying that the teaching credentials obtained be in the core academic subjects.

The House bill allows funds to be used by schools and LEAs for the development of incentive strategies for rewarding schools where a substantial portion of teachers achieve certification by the National Board for Professional Teaching Standards; the Senate amendment allows funds to be used by schools and LEAs for providing financial or other incentives for teachers to become certified by nationally recognized professional teacher enhancement programs. The House recedes.

The House bill, but not the Senate amendment, allows schools and LEAs to use funds for other sustained and intensive high quality professional development activities in the core academic subjects. The House recedes.

The Senate amendment, but not the House bill, allows schools and LEAs to use funds for support and time (which in the case of teachers may include release time with pay) for teachers, pupil services personnel, and other school staff to participate in professional development that goes beyond training and encourages a variety of forms of learning that are related to an educator's regular work. The Senate recedes.

The Senate amendment, but not the House bill, allows schools and LEAs to use funds for support and time for teachers, pupil services personnel and other school staff to learn and implement effective collaboration for the instruction of children with disabilities placed into general education settings, consistent with the child's IEP, and in prevention and intervention strategies to alleviate the need for, or assure appropriate referrals of children for special education services. The House recedes with an amendment striking after "disabilities" the following: "placed into general education settings, consistent with such child's individualized education program, and" and insert in its place "in the core academic subjects" after "disabilities"; and striking (ii).

This amendment clarifies that LEAs may use funds for support and time for teachers, and where appropriate, pupil services personnel and other school staff, to learn and implement effective collaboration for the instruction of children with disabilities in the core academic subjects.

The Senate amendment, but not the House bill, allows schools and LEAs to use funds for peer training and mentoring programs in the core academic subjects and in the development of social, emotional, and mental health needs of children. The Senate recedes.

The Senate amendment, but not the House bill, allows schools and LEAs to use funds to prepare teachers and pupil services personnel to work with parents and families on fostering student achievement in the core academic subjects..The House recedes with an amendment clarifying that where appropriate pupil services personnel may participate in professional development activities.

The Senate amendment, but not the House bill, allows schools and LEAs to use funds to establish policies to permit teachers to meet pay ladder requirements by demonstrating content and pedagogical competence rather than by only meeting course requirements. The Senate recedes.

The Senate amendment, but not the House bill, allows schools and LEAs to use funds for professional development activities and other support for new teachers as such teachers transition into the classroom to provide such teachers with practical support and to increase retention. The House recedes.

The Senate amendment, but not the House bill, allows schools and LEAs to use funds for professional development for teachers, parents, early childhood educators, administrators, and other staff to support activities and services related to the Transition to Success program under part B of title I. The House recedes with an amendment which allows schools and LEAs to use funds for professional development for teachers, parents, early childhood educators, administrators, and other staff to support activities and services related to preschool programs in order to raise student performance in the core academic subjects.

The Senate amendment, but not the House bill, allows schools and LEAs to use funds to develop incentive strategies for rewarding teachers, administrators, and pupil services personnel collectively in schools that sustain high performance or consistent growth in the number of their students who meet the challenging State content standards and challenging State student performance standards. The Senate recedes.

The Senate amendment, but not the House bill, allows schools and ·LEAs to use funds for developing strategies and programs to more effectively involve parents in the education of their children. The House recedes with an amendment clarifying that funds may be used for developing professional development strategies and programs to more effectively involve parents in helping their children achieve in the core academic subjects.

The Senate amendment, but not the House bill, allows schools and LEAs to use funds for professional development activities designed to increase the number of women and other under-represented groups in the administration of schools. The House recedes.

The Senate amendment, but not the House bill, allows schools and LEAs to use funds for release time with pay for teachers. The House recedes.

The Senate amendment, but not the House bill, allows schools and LEAs to use funds for professional development in experiential based teaching methods such as service learning. The House recedes with an amendment rewriting the Senate provision to include professional development activities to train teachers in innovative instructional methodologies designed to meet the diverse learning needs of individual students, including the integration of academic and vocational learning and applied learning; and interactive, interdisciplinary team teaching, and other alternative strategies such as service learning, experiential learning, career-related education, and environmental education, that integrate real world applications into the core academic subjects.

The House bill, but not the Senate amendment, requires an LEA, if that LEA's needs assessment determines that funds under this program should be used for curriculum development, to use the funds provided to develop high quality curricula that is aligned with State or local content and performance standards. The House recedes.

The House bill, but not the Senate amendment, allows schools and LEAs to use funds to purchase curriculum materials to the extent that such materials are essential components of the LEA's plan to improve teaching and learning in the core academic subjects. The House recedes.

Higher Education Activities

The Senate amendment, but not the House bill, clarifies that it is from amounts made available under section 2123(2) of the bill that the State agency for higher education is to award grants or enter into contracts for professional development activities. The House recedes.

The House bill allows grants to be made to or contracts to be entered into or cooperative agreements with institutions of higher education and nonprofit organizations (including museums and educational partnership organizations) which demonstrate consultation and cooperation with an LEA, consortium of LEAs, or schools; the Senate amendment allows grants to be made to or contracts to be entered into or cooperative agreements with institutions of higher education or private nonprofit organizations working in conjunction with LEAs. The Senate recedes with an amendment to clarify that nonprofit organizations be of demonstrated effectiveness and that eligible entities must work in conjunction with an LEA, a consortium of LEAs or schools.

The House bill refers to "core academic subject areas"; the Senate amendment refers to "core academic subjects." The Senate recedes.

The House bill, but not the Senate amendment, allows the State agency for higher education to use funds to support activities which engage teachers in the development of high-quality curricula that are aligned with State or local content and performance standards. The House recedes.

The House bill, but not the Senate amendment, allows the State agency for higher education to use funds to develop and provide assistance to LEAs, and the teachers and staff of the LEA, for sustained, high quality professional development activities. The Senate recedes.

The House bill, but not the Senate amendment, allows the State agency for higher education to use funds to support improving teacher education programs in order to promote further innovation in teacher education programs within an institution of higher education and to better meet the needs of LEAs for well-prepared teachers. The Senate recedes.

The House bill, but not the Senate amendment, prohibits institutions of higher education from receiving funds under subsection (a)(1) unless the institution enters into an agreement with an LEA or a consortium of LEAs to provide sustained, high quality professional development for elementary and secondary teachers in the schools of the LEA. The Senate recedes.

The Senate amendment, but not the House bill, allows the State agency for higher education to fund activities which provide professional development for pupil services personnel. The House recedes with an amendment clarifying that, where appropriate, pupil services personnel and administrators may participate in professional development activities.

Explanatory Note: The House bill, but not the Senate amendment, gives illustrative examples of sustained and intensive professional development activities.

The House bill, but not the Senate amendment, gives as an example of a sustained and intensive professional development activity the establishment and maintenance of professional networks of teachers that provide a forum for interaction among teachers and that allow exchange of information on advances in content and pedagogy. The House recedes.

The House bill, but not the Senate amendment, gives as an example of a sustained and intensive professional development activity programs that prepare teachers to be effective users of information technology, able to integrate technology into their pedagogy and their instructional practices, and able to enhance their curricular offerings by appropriate applications of technology. The House recedes.

The House bill, but not the Senate amendment, gives as an example of a sustained and intensive professional development activity programs that utilize information technology to deliver intensive and high quality professional development activities for teachers. The House recedes.

The House bill, but not the Senate amendment, gives as an example of a sustained and intensive professional development activity activities to enable teachers to ensure that girls, young women, minorities, limited English proficient students, individuals with disabilities, and economically disadvantaged individuals have the opportunity to achieve the challenging State performance standards in the core academic subjects. The House recedes.

The House bill, but not the Senate amendment, gives as an example of a sustained and intensive professional development activity professional development and recruitment activities designed to increase the number of minorities, individuals with disabilities, and other under-represented groups teaching in the core academic subjects, particularly in math and science. The House recedes.

The House bill, but not the Senate amendment, gives as an example of a sustained and intensive professional development activity the establishment of professional development academies. The House recedes.

The House bill, but not the Senate amendment, gives as an example of a sustained and intensive professional development activity technical assistance to LEAs in providing sustained and intensive professional development activities for teachers. The House recedes.

The Senate amendment, but not the House bill, allows the State agency for higher education to use funds to support preservice training activities. The House recedes.

The Senate amendment, but not the House bill, allows each institution of higher education which receives a grant to enter into a partnership with a private industry, museum, library, educational television station, or public or private nonprofit organization of demonstrated experience to carry out professional development. The House recedes.

Subpart 3—General Provisions

Reporting and Accountability

The Senate amendment, but not the House bill, clarifies that States should submit their reports beginning with fiscal year 1997. The House recedes.

The House bill refers to "performance indicator"; the Senate amendment refers to "outcome performance indicators." The Senate recedes.

The Senate amendment, but not the House bill, clarifies that LEAs should submit their reports beginning with fiscal year 1997. The House recedes.

The House bill refers to "the outcome performance indicators in its plan"; the Senate amendment refers to "outcome performance indicators identified in such agency's local plan." The House recedes with an amendment striking the term "outcome performance indicators" and referring to "performance indicators."

The Senate amendment, but not the House bill, requires LEAs to report on the effectiveness of the LEA's activities under this program. The House recedes.

The Senate amendment, but not the House bill, requires the Secretary to report to the President and the Congress on the effectiveness of programs and activities assisted under this program. The House recedes.

The House bill, but not the Senate amendment, prohibits funds from being used for construction or renovation of buildings, rooms, or any other facilities. The Senate recedes.

Definitions

The House bill defines the term "core academic subjects" as those subjects listed in the State plan under title III of Goals 2000 or as set in National Education Goal III of Goals 2000; the Senate amendment defines that term as subjects such as English, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography. The Senate recedes.

The House bill uses and defines the term "performance indicator"; the Senate amendment uses and defines the term "outcome performance indicators." The Senate recedes.

The House bill refers to "challenging State standards in the core academic subject areas"; the Senate amendment refers to "challenging State content standards and challenging State student performance standards." The House recedes.

The House bill uses the term "State standards"; the Senate amendment uses the term "challenging State content standards and challenging State student performance standards." The House recedes.

The House bill, but not the Senate amendment, gives as an example of an indicator incorporating effective strategies, techniques, methods, and practices for meeting the educational needs of diverse students in order to ensure that all students have the opportunity to achieve challenging performance standards and lists the types of diverse students. The Senate recedes.

The House bill refers to "increases in the number of Board certified teachers licensed in each core subject"; the Senate amendment refers to "increases in the number of teachers who are certified by the National Board for Professional Teaching Standards or other nationally recognized professional teacher enhancement organizations." The House recedes.

The Senate amendment, but not the House bill, gives us an example of an indicator the pass rates on teacher examinations for initial and continuing certification or licensure. The Senate recedes.

The Senate amendment, but not the House bill, gives as an example of an indicator the specific increases in the number of teachers licensed in each core academic subject. The House recedes.

The House bill refers to "challenging State or voluntary national content and performance standards"; the Senate amendment refers to "challenging State content standards, challenging State student performance standards, voluntary national content standards or voluntary national student performance standards." The House recedes.

The House bill refers to "content and pedagogical components"; the Senate amendment refers to "content and pedagogical components appropriate for students with diverse learning needs." The House recedes.

The House bill, but not the Senate amendment, includes as a criterion of sustained and intensive high quality professional development activities which incorporate effective strategies, techniques, methods, and practices for meeting the educational needs of diverse students in order to assure that all students have the opportunity to achieve challenging performance standards and lists the types of diverse students. The Senate recedes.

The House bill, but not the Senate amendment, includes a definition of the term "local standard." The Senate recedes with an amendment clarifying the terms "student performance standard", "core academic subjects", "challenging State content standards", and "challenging State student performance standards."

The Senate amendment, but not the House bill, includes a definition of the term "prevention." The Senate recedes.

Professional Development Demonstration Project

The Senate amendment, but not the House bill, includes a Professional Development Demonstration Project which authorizes the Secretary to award grants to eligible partnerships to plan and implement professional development programs. Findings, purpose, program requirement, eligible partnerships, and grant requirements are also described. This program is funded from a 1.25% set-aside of funds. The House recedes with an amendment funding the program from a 1 percent set-aside, but requires that, in each of the fiscal years 1996 through 1999, the amount of funding the demonstration project receives shall not exceed the amount the project received in FY 1995.

TITLE III—TECHNOLOGY FOR EDUCATION

(Title II, Part B in H.R. 6/Title III in S. 1513)

Part A—Technology for Education

1. The House bill names Title II, Part B, "Technology Education Assistance"; the Senate amendment names Title III, "Technology for Education."

The House recedes.

2. Both bills give similar short titles, but the House bill adds the word, "assistance" to the title.

Legislative counsel.

3. Technical.

Legislative counsel.

Findings

4. Similar points concerning the role of technology in education. The House bill emphasizes the lack of federal leadership in this area, the Senate amendment notes the need for such leadership. The House bill emphasizes the growing disparities between rich and poor students in the absence of educational technology policies; the Senate amendment emphasizes that public policy should give priority to students in greatest need. The House bill emphasizes education equalization, particularly for students in urban and rural areas; the Senate amendment emphasizes individualized instruction. The Senate bill emphasizes how the acquisition and use of technology has been inhibited.

The House recedes with an amendment merging findings that appear in two places in the House bill (note 246, p. 95; note 389, page 135) and one place in the Senate amendment (note 346, p. 95):

Combine (1) from House bill with (1) from Senate amendment:

"(1) technology can produce far greater opportunities for all students to learn to high standards, promote efficiency and effectiveness in education, and help propel our Nation's school systems into very immediate and dramatic reform, without which our Nation will not meet the National Education Goals by the target year 2000;"

Include (2) from House bill and delete (5) from Senate amendment.

Combine (3) from House bill with (3) from Senate amendment:

"(3) the acquisition and use of technology in education throughout the United States has been inhibited by—

(A) the absence of Federal leadership;

(B) the inability of many State and local educational agencies to invest in and support needed technologies;

(C) the limited exposure of students and teachers to the power of technology as a cost-effective tool to improve student learning and achievement'

(D) the lack of appropriate electrical and telephone connections in the classroom; and

(E) the limited availability of appropriate technology-enhanced curriculum, instruction, professional development and administrative support resources and services in the educational marketplace;"

Combine (9) from Senate amendment with (4) from House bill, deleting (5) from House bill:

"(4) policies at the Federal, State, and local levels concerning technology in education must address disparities in the availability of technology to different groups of students, give priority to serve students in greatest need, and recognize that educational telecommunications and technology can address educational equalization concerns and school restructuring needs by providing universal access to high-quality teaching and programs, particularly in urban and rural areas;"

Include (11) from Senate amendment, add "and industry" after "business" in (11), and delete (6) from House bill.

Combine (7) from House bill with (10) from Senate amendment:

(6) Technology can enhance the ongoing professional development of teachers and administrators by providing constant access to updated research in teaching and learning by means of telecommunications, and, through exposure to technology advancements, keep teachers and administrators excited and knowledgeable about unfolding opportunities for the classroom;"

Purpose

5. The House bill, but not the Senate amendment, prefaces this section by stating it is intended to support a comprehensive system for the acquisition of technology.

The Senate recedes with amendments to: end introductory material with "Such system shall include—"

"(1) National leadership with respect to the need for, and the provision of, appropriate technology-enhanced curriculum, instruction and administrative programs to improve learning in the United States, and to promote equal access for all students to educational opportunities in order to achieve the National Education Goals by the year 2000;

(2) Funding mechanisms which will support the development, interconnection, implementation, improvement and maintenance of an effective educational technology infrastructure, including activities undertaken by the State and local school districts to promote and provide equipment, training for teachers and library media personnel, and technical support;

(3) Support for technical assistance, professional development, information and resources dissemination, in order to help States, local school districts, teachers, library media personnel, and administrators successfully integrate technology into kindergarten through 12th grade classrooms and library media centers;

(4) Support for the development of educational and instructional programming in core subject areas, which programming shall address the National Education Goals;

(5) Strengthening and building upon, but not duplicating, existing telecommunications infrastructures dedicated to educational purposes;

(6) Development and evaluation of new and emerging educational technologies, telecommunications networks, and state-of-the-art educational technology products that promote the use of advanced technologies in the classroom and school library media center;

(7) Assessment data regarding state-of-the-art uses of technologies in United States education upon which commercial and noncommercial telecommunications entities, and governments can rely on for decisionmaking about the need for, and provisions of, appropriate technologies for education in the United States;

(8) Ensuring that uses of educational technology are consistent with the overall national technology policy established by the President, and ensuring that Federal technology-related policies and programs will facilitate the use of technology in education;

(9) Ensuring that activities supported under this part will form the basis for sound State and local decisions about investing in, sustaining, and expanding uses of technology in education;

(10) Establishing working guidelines to ensure maximum interoperability nationwide and ease of access for the emerging technologies so that no school system will be excluded from the technological revolution; and

(11) Ensuring that, as technological advances are made, the educational uses of these advances are developed."

6. The House bill emphasizes support for national leadership in technology for curricula, instruction and administrative support; the Senate amendment emphasizes support for technology to promote equal educational access to achieve the National Goals.

The Senate recedes with amendments. See note 5.

7. The House bill emphasizes support for funding mechanisms to build the technology infrastructures; the Senate amendment emphasizes funds for equipment, training and support.

The Senate recedes with amendments. See note 5.

8. The House bill emphasizes support to build dissemination networks for educators; the Senate amendment emphasizes support for technical assistance, professional development, and dissemination on integrating technology into classrooms.

The House recedes with amendments. See note 5.

9. The House bill emphasizes support for training for educators and administrators; the Senate amendment emphasizes support to develop programs in the core subjects.

The House recedes with amendments. See note 5.

10. Similar provisions to support strengthening existing infrastructures, but the Senate amendment also emphasizes that incompatible systems must be discouraged.

The Senate recedes with amendments. See note 5.

11. The House bill emphasizes support to develop and evaluate new technologies; the Senate amendment emphasizes support for creative partnerships which develop state-of-the-art products.

The Senate recedes with amendments. See note 5.

12. The House bill emphasizes support for assessments of new technologies; the Senate amendment emphasizes that the uses of funds be consistent with national technology policy.

The Senate recedes with amendments. See note 5.

13. The House bill, but not the Senate amendment, notes the purpose is to authorize grants for four types of activities.

The Senate recedes with an amendment to strike 8(A), (B), and (C) and move (D) to purposes.

Definitions

14. The House bill, but not the Senate amendment, defines "library" and "State library administrative agency".

The Senate recedes.

15. The House bill, but not the Senate amendment, defines "regional educational laboratory."

The Senate recedes.

16. The House bill defines the term "technology" similar to that of the Senate amendment, but the House includes "public telecommunication entities", when the Senate amendment includes "educational television and radio programs and services"; and only the Senate amendment applies the term to "state-of-the-art" technology products.

The House recedes.

17. The House bill, but not the Senate amendment, defines "credit enhancement."

The House recedes.

18. The House bill defines "interoperability" as the ability to communicate with global systems and multiple media; the Senate amendment defines it in terms of the ease of connecting to and exchanging data with hardware and software.

The House recedes.

19. The Senate amendment, but not the House bill, defines "all students."

The House recedes.

20. The Senate amendment, but not the House bill, defines "information infrastructure."

The House recedes.

21. The Senate amendment, but not the House bill, defines instructional programming."

The House recedes.

22. The Senate amendment, but not the House bill, defines "local educational agency."

The Senate recedes.

23. The Senate amendment, but not the House bill, defines "office."

The Senate recedes.

24. The Senate amendment, but not the House bill, defines "public telecommunications entity."

The House recedes.

25. The Senate amendment, but not the House bill, defines "State educational agency." The Senate amendment, but not the House bill defines "adult education."

The House recedes.

In-State Apportionment

26. The House bill, but not the Senate amendment, requires that of the amount provided through formula to the states, 70% be used by the State for elementary and secondary education programs, 20% be used for higher education programs, and 10% be used for library and literacy programs.

The House recedes.

27. The House bill limits administrative and technical assistance costs in each of the three in-state funding streams as follows: a maximum of 10% of the 70% amount reserved for school programs may be used at the state level with a maximum of 5% of the total at the local level; a maximum of 10% of the 20% reserved for higher education programs; and a maximum of 10% of the 10% for library programs. The Senate amendment limits State administrative and technical assistance costs to 5% of the total funds received.

The House recedes.

Elementary and Secondary Education Programs

28. The House bill titles the sections, "elementary and secondary education program"; the Senate amendment titles the section "state and local programs for school technology resources, technical support, and professional development."

The House recedes.

29. The House bill requires in general that funds made available for elementary and secondary education (70% of the total state grant) be used to strengthen programs in accordance with the section; the Senate amendment provides a "statement of purpose" that funds be used to support acquisition, support and maintenance of equipment and regional consortia.

The Senate recedes. The section number should be changed by legislative counsel.

30. The Senate bill authorizes the Secretary to award grants to states having a systemic statewide plan for the purpose of assisting local education agencies in such things as purchasing technology, providing for training and providing for administrative and

technical support. The comparable provision of the House bill, section 2209, requires each state educational agency to file an educational technology plan which meets a variety of requirements such as, showing how the plan is integrated with the State's Goals 2000 plan or Title I plan and how it addresses each of the elements specified under "contents", such as a description of how financial assistance will be provided. (See note #37 for comparable House bill provisions.)

The House recedes with several amendments:

Insert the following after "a systematic statewide plan that"—

"Outlines long-term strategies for financing technology education in the State and describes how business, industry, and other public and private agencies, including libraries, library literacy programs, and institutions of higher education, can participate in the implementation, ongoing planning, and support of the plan and"

Insert "other" before "criteria"

Insert "carry out activities such as" on page 109 at the end of the introductory paragraph.

On page 110, at the end of (H), insert "and (I) establish partnerships with private or public educational providers or other entities to serve the needs of children in poverty."

31. The House bill requires each LEA to use funds for using technology to support school reform and requires that all projects be of a sufficient scope to make improvements; the Senate amendment allows the LEA to use funds to acquire connectivity linkages and for professional development.

The Senate recedes with an amendment to add (1), (2), and (3) to the House language as (C), (D), and (E); add ", particularly with institutions of higher education and public libraries." at the end of (E); and insert "(I) establish partnerships with private or public educational providers or other entities to serve the needs of children in poverty."

32. Both bills require that each LEA applicant submit a plan to the SEA which, in the House bill, must be a part of any LEA plan submitted under Goals 2000, and which in the Senate amendment must be consistent with the objectives of the statewide plan. The further requirements of the House bill include describing the coordination efforts with all available resources, the support of state and local content and performance standards, the support of the disabled population, the support of professional activities and the involvement of parents. The further requirements of the Senate amendment include the development of a strategic, long range plan which describes technologies to be acquired and how they will be integrated, collaborative and coordinating activities, professional development activities, and the involvement of the community in the development of the plan.

The House recedes.

33. The House bill, but not the Senate amendment, provides for the formation of consortia.

The Senate recedes.

34. The Senate amendment, but not the House bill, provides that the LEA plan described in the previous subsection, shall not preclude the SEA from approving other comprehensive education improvement plans which further the purposes of this section.

The House recedes.

Higher Education Programs

35. The House bill, but not the Senate amendment, authorizes competitive grants to institutions of higher education, (funded through the 20% reserve from the total available through the State grant) which have entered into an agreement with a local educational agency to provide professional development.

The House recedes.

Library and Literacy Programs

36. The House bill, but not the Senate amendment authorizes competitive grants to local public libraries, (funded through the 10% reserve from the total available through the State grant) which are involved with a local educational agency.

The House recedes.

Educational Technology Plans

37. The House bill requires that each State wishing to receive funds under this section submit to the Secretary a 5-year State educational technology plan, which, if rejected, must be provided technical assistance. (See note #372 for comparable Senate provision.)

The House recedes.

The Senate recedes on the "supplement, not supplant" language on (5), page 124.

38. The House bill requires that each LEA wishing to receive funds under this section submit to the SEA a 3-year plan which describes evaluations activities, supports local and State curriculum frameworks, provides for technical support and parent involvement. (See note #374 for comparable Senate and additional House provisions.)

The House recedes.

Federal Administration

39. The House bill, but not the Senate amendment, requires the Secretary to develop and use evaluation procedures for programs under this Title.

The Senate recedes with an amendment to the evaluation paragraph stating that the evaluation should be consistent with section 10701.

40. The Senate amendment, but not the House bill, requires each SEA to identify LEAs which have the highest poverty and the greatest need for technology in order to offer them assistance.

The House recedes.

41. The Senate amendment, but not the House bill, requires SEAs to award grants to LEAs competitively and of sufficient size, scope and duration.

The House recedes.

Allocation of funds

42. The House bill requires that up to 1% be reserved for Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, the Trust territories and programs for Indian students,

with the remainder of the funds distributed to states based on a formula that takes into account the relative number of children aged 5 to 17 in a state combined with the relative number of poor children aged 5 to 17 in a state; the Senate amendment allocates funds to States based on the proportionate amount each state received under part A of Title I, and with no state receiving less than .5% of the total appropriated.

The House recedes.

43. The house bill, but not the Senate amendment, provides for the reallotment of unused funds.

The Senate recedes.

44. The Senate amendment, but not the House bill, provides that if in any year the appropriation for this section is $50m or less, the Secretary is required to award grants to LEAs competitively.

The House recedes with the following amendments: change the threshold to $75 million; strike everything after "to" to line 5 of Senate bill and add "consortia which shall include at least one LEA with a high percentage or number of children counted for purposes of Part A, Title I of this Act, and may include other LEAs, SEAs, IHEs, businesses, academic content experts, software designers, museums, libraries, or other appropriate entities. In awarding such grants, the Secretary will give priority to consortia which demonstrate that—

(1) The project is designed to serve areas with a high number or percentage of disadvantaged students or the greatest need for educational technology;

(2) The project will directly benefit students by, for example, integrating the acquired technologies into curriculum to help the local educational agency enhance teaching, training, and student achievement;

(3) The project will ensure ongoing, sustained professional development for teachers, administrators, and school library media personnel served by the LEA to further the use of technology in the classroom or library media center;

(4) The project will ensure successful, effective and sustainable use of technologies acquired under this section;

(5) Members of the consortia or other appropriate entities will contribute substantial financial and other revenues to achieve the goals of the project.

Authorization of Appropriations

45. The House bill authorizes $300m in fiscal year 1995, with such sums for fiscal years 1996 through 1999; the Senate amendment authorizes $200m in fiscal year 1995, with such sums for the remaining 4 years.

The House recedes.

Research—National Programs

46. The House bill names the subpart, "Research, Development and Demonstration of Educational Technology"; the Senate amendment names it "National Programs in Technology for Education."

The House recedes.

47. The House bill, but not the Senate amendment, provides a section on findings.
The House recedes..

Purposes

48. Both bills state the overall purpose is to facilitate achievement of the national education goals, but the House bill also adds "increase the opportunity for all students to achieve."
The House recedes and the Senate recedes with an amendment to add this to general purposes.
49. The House bill emphasizes its purposes as promoting awareness, supporting state and local efforts, demonstrating uses, applying research in technology to policy decisions, promoting professional development, and incorporating technological advances into education; the Senate amendment emphasizes creating a national vision, promoting awareness, support state and local efforts, demonstrating uses, applying research to policy decisions, promoting professional development, supporting development of technology-enhanced instruction, and promoting the use of technology in federal programs.
The House recedes and the Senate recedes with an amendment to add this to general purposes.

Office

50. The House bill, but not the Senate amendment, creates an Office of Educational Technology within the Department of Education.
The House recedes.

National Long-Range Plan

51. The House bill requires that the Secretary publish a plan by September 30, 1995; the Senate amendment requires it by within 12 months of date of enactment.
The House recedes.
52. Identical provisions with respect to development of the plan, except that the House bill uses the term, "educational applications of technology", when the Senate amendment uses, "applications of technology to education", and only the Senate amendment requires the inclusion of distance learning consortia and Star School recipients.
The House recedes.
53. Identical provisions, except that the House bill applies the word, "challenging" to "standards", whereas the Senate amendment applies the word, "content" and "performance" to "standards".
The House recedes.
54. Similar provisions concerning joint activities, except that only the Senate amendment includes the Office of Science and Technology Policy and the Bureau of Indian Affairs.
The House recedes.
55. Identical provisions regarding the contents of the plan, except that the Senate amendment also requires the Secretary to show how he will promote: higher achievement through the integration of technology, the exchange of information, and the use of evaluations to improve the purposes of this subsection. In addition,

the House bill uses the term, "schools with high concentrations of children from low-income families" when the Senate amendment uses, "schools with a high number or percentage of children from low-income families."

The House recedes.

Federal Leadership

56. The House bill authorizes the Secretary, in consultation with the National Science Foundation, the Department of Commerce and "other federal agencies" to provide grants and contracts to a variety of entities; the Senate amendment does the same, but notes the goal of promoting "higher student achievement" and names many more federal agencies.

The Senate recedes with amendments to insert "the United States National Commission on Libraries and Information Sciences" after "Department of Commerce", to insert "competitively and" after "grants" and to strike the parentheses.

57. The Senate amendment, but not the House bill, requires the Secretary to provide assistance to States in developing State technology plans, in accordance with the Goals 2000 Act.

The House recedes.

58. Identical provisions, except the House bill uses the phrase, "consistent with", where the Senate bill uses "to achieve".

Legislative counsel.

59. Identical provisions, except the House bill "allows" the Secretary, and the Senate "requires" the Secretary to use funds for such activities.

The House recedes with an amendment changing "including" to "such as".

60. The House bill, but not the Senate amendment, includes under uses of funds, planning grants to States.

The House recedes.

61. Identical provisions with technical conforming differences.

Legislative counsel.

62. Identical provisions, except only the House bill includes "family education" among those listed.

The Senate recedes.

63. Identical provisions, except the House bill uses the term "protocols", when the Senate amendment describes the same with "maximum interoperability, efficiency and easy exchange of data."

The House recedes.

64. Identical provisions, except only the Senate bill includes the term "multimedia."

The House recedes.

65. Identical provisions, except only the Senate amendment adds that a priority be given to such research in elementary and secondary schools.

The Senate recedes.

66. The Senate amendment, but not the House bill, lists as one of the uses of funds, a biennial assessment on the uses of technology.

The House recedes.

67. Identical provisions, except only the House includes the concept of "access to and use of" in promoting gender equity.

The Senate recedes.

68. The House bill, but not the Senate amendment, lists as one of the uses, development of the Buddy System. (Senate amendment authorizes a separate program for the Buddy System Computer Education—Title III, Part F.)

The Senate recedes with an amendment to add a reference to "Buddy System Computer Education" to FIE.

69. The Senate amendment, but not the House bill, lists as one of the uses, federal agency collaboration.

The House recedes.

70. The Senate amendment, but not the House bill, requires that the activities be carried out by grant contract, competitively and through peer review.

The Senate recedes.

71. Identical provisions with technical differences.

Legislative counsel.

72. Identical provisions, except the House bill uses the phrase "recipient's project" when the Senate amendment uses "grant or contract."

Legislative counsel.

Authorization of Appropriations

73. The House bill authorizes "such sums" from fiscal year 1995 through fiscal year 1999; the Senate amendment authorizes $5m in fiscal year 1995 and "such sums" for the remaining four years.

The House recedes and the Senate recedes.

Regional Technical Support and Professional Development

74. The Senate amendment, but not the House bill, authorizes an appropriation of $50m for grants or contracts to be awarded to regional educational technology assistance consortia made up of some combination of SEAs, institutions of higher education and non-profit organizations.

The House recedes with an amendment to replace the "Authority" paragraph with the following:

The Secretary, through the Office of Educational Technology, shall make grants in accordance with the provisions of this section, to regional entities such as the Eisenhower Math/Science Regional Consortia, the Regional Education Laboratories, the Comprehensive Regional Assistance Centers, or such other regional consortia as may be designated or established by the Secretary. In awarding grants under this section, the Secretary shall give priority to the Eisenhower Math/Science Regional Consortia and shall ensure that each geographic region of the United States shall be served by such a consortium.

The Senate recedes on the Special Rule on page 159.

The conferees also agree to the following amendments:

Insert ", to the extent practicable" at the end of the Technical Assistance paragraph after "shall" in Sec. 3121(b)(1).

Insert "and school library media centers" after "classroom" Sec. 3121(b)(1)(B).

Insert "to the extent practicable" at the end of the Professional Development paragraph after "shall" in Sec. 3121(b)(2).

Insert "school librarians and school library personnel" after the first "teachers" and "and other school library media personnel" after the second "teachers" in Sec. 3121(b)(2)(A)(i).

Strike "provide followup to" in Sec. 3121(b)(2)(E).

Insert "to the extend practicable" at the end of the Information and Resource Dissemination paragraph in Sec. 3121(b)(3).

Insert "regional and other" after "appropriate" in Sec. 3121 (b)(4).

Strike Sec. 3121(b)(5).

Research on Educational Applications of Advanced Technologies

75. The Senate amendment, but not the House bill, authorizes an appropriation of $50m for grants or contracts for research projects which develop educational applications of advanced technologies.

The House recedes with an amendment to add the following as a new (D) in Federal Leadership Activities on page 148: "research on, and the development of, applications for education of the most advanced and newly emerging technologies (which research shall be coordinated with the Office of Educational Research and Improvement and, where appropriate, with other Federal agencies)."

High Performance Computing and Telecommunications Networks for Education

76. The Senate amendment, but not the House bill, authorizes an appropriation of $7.5m for three types of grants which help develop an electronic network program for the dissemination of educational information.

The House recedes with an amendment to add the following as a new (E) in Federal Leadership Activities on page 148 and to reletter accordingly: "(E) the development, demonstration and evaluation of the educational aspects of high performance computing and communications technologies and of the national information infrastructure, in providing professional development for teachers, school librarians and other educators; enriching academic curricula for elementary and secondary schools; facilitating communications among schools, local educational agencies, libraries, parents and local communities and in other such areas as the Secretary deems appropriate."

Study, Evaluation and Report on Funding Alternatives

77. The Senate amendment, but not the House bill, requires the Secretary to report to the Congress, within one year of enactment, on alternative models for sustained funding for schools.

The House recedes.

Special Rule Applicable to Appropriations

The House recedes with an amendment to change the Subpart title and the section title to "Authorization of Appropriations".

78. The Senate amendment, but not the House bill, requires that if, in any year, the amount appropriated under sections 3122(f), 3123(b)(5), 3124(e), 3125(e), 3126(e), and 3132(c), add up to less than $50 million, the Secretary shall combine those amounts and apply half of the funding to "National Programs in Technology

for Education," and half to the State and local programs; the amendment requires further that when the aggregate appropriation equals or exceeds $50m, $25m plus 35% of the aggregate amount in excess of $50m shall carry out programs under the "National Programs in Technology for Education" and $25m plus 65% of the total in excess of $50m shall be used for the State and local programs.

The House recedes with several amendments:

In the "Appropriation of Less Than . . ." section, change $50,000,000 to $75,000,000; strike "Notwithstanding any other provision of law"; strike the section references and "aggregate such amounts" and replace with "this part".

Strike the designation of how the funds should be divided and add the following:

$3,000,000 for National Leadership Activities.

$10,000,000 for Regional Educational Technology Support and Professional Development.

with remaining funds to be awarded through the National Challenge Grant Program for Technology in Education.

In the "Appropriation Equal To or Greater Than . . ." section, change $50,000,000 to $75,000,000; strike "Notwithstanding any other provision of law"; strike the section references and "aggregate such amounts" and replace with "this part".

Strike the designation of how the funds should be divided and add the following:

$3,000,000 for National Leadership Activities.

$10,000,000 for Regional Educational Technology Support and Professional Development.

with remaining funds to be awarded through the National Challenge Grant Program for Technology in Education; except that the Secretary may reserve such funds as may be necessary to meet outstanding obligations for such fiscal year for grants previously awarded through the National Challenge Grant Program for Technology in Education.

To maximize the impact of the funds granted under this act, the conferees intend to allow schools the flexibility to structure transactions for the acquisition of technology and equipment in the manner that most adequately meets their needs, including using grant funds to pay interest on the lease or financed purchase of technology or equipment where a school determines that such a transaction is desirable. This will allow schools the opportunity to take advantage of the lowest interest rates available to them by virtue of the exemption from Federal income tax of interest payments from States and municipalities, extend the impact of the grant monies they receive, and allow them to avoid their frequent need to delay purchases because of current year budget constraints.

Part B—Star Schools Program

Subpart 3 in H.R. 6/Part B in S. 1513

79. The Senate amendment, but not the House bill, has a short title.

Legislative counsel.

80. The House bill, but not the Senate amendment, has a section of findings.

The Senate recedes.

Statement of Purpose

81. The House bill states its purpose is to expand distance learning programs to: improve teaching, achieve the education goals, help all students achieve and help educational reform; the Senate amendment states its purpose is to improve subjects and reach underserved populations through grants to telecommunication partnerships which: develop telecommunications facilities, develop programming, and obtain technical assistance.

The House recedes with an amendment changing disabled to individuals with disabilities.

Grants

82. The House bill provision, titled, "program authorized", authorizes the Secretary to make grants to develop facilities, to develop instructional programs and to provide technical assistance; the Senate amendment provision, titled, "grants authorized", authorizes the Secretary to provide grants for similar activities, but expands the list of activities to include teleconferencing for teacher training, obtaining technical assistance and coordinating connectivity in order to reach more students.

The House recedes.

83. The Senate amendment requires the grant be for a period of 5 years, with a possible renewable 5-year period. The House bill requires that the grant not exceed 5-years. (Comparable provision in the House bill is on the following page, subsection 2221(c).

The House recedes with an amendment making the renewal period three years.

Authorization of Appropriations

84. The House bill authorizes "such sums" for fiscal years 1995 through 1999; the Senate amendment authorizes $35m in fiscal year 1995, with "such sums" in the following 4 years.

The House recedes.

85. The Senate amendment, but not the House bill, requires funds remain available until expended.

The House recedes.

86. The House bill limits the size of a grant to $10m per year; the Senate amendment limits it to $5m.

The Senate recedes.

87. Identical provisions with technical differences.

Legislative counsel.

88. The Senate amendment, but not the House bill, requires that at least 25 percent be used for facilities and equipment.

The Senate recedes.

89. Identical provisions with technical differences.

Legislative counsel.

90. The House bill limits the federal share of the cost of any project to 75 percent in the first year and lesser amounts in subsequent years; the Senate amendment limits the federal share to 75 percent in all years.

The Senate recedes.

91. Similar provisions regarding waivers, except the House bill ties the waiver to "financial hardship", and the Senate amendment ties it to "good cause."

The Senate recedes.

92. The House bill, but not the Senate amendment, authorizes the Secretary to accept funds from other agencies.

The Senate recedes.

93. The Senate amendment, but not the House bill, provides for coordination with other agencies.

The House recedes.

94. The Senate amendment, but not the House bill, encourages that funds be used for closed captioning and descriptive video.

The House recedes.

Eligible Entities

95. The House titles the section, "eligible entities"; the Senate amendment titles it, "eligible telecommunication partnerships."

The House recedes.

96. The House bill requires that the recipient include the participation of at least one local educational agency and provides a list of entities that may be included; the Senate amendment requires a partnership which must consist of one or more of the entities listed.

The Senate recedes.

97. The House bill describes as an eligible entity a telecommunications network made up of two or more entities that are listed; the Senate amendment describes the same for a "partnership", but requires that it be made up of 3 or more of the listed entities, which are identical to those listed in the House bill, except the House bill also adds "adult and family education programs" and "public or private elementary or secondary schools."

The House recedes on the number and the Senate recedes on the list.

98. The Senate amendment, but not the House bill, requires state partnerships.

The House recedes.

Applications

99. Identical provisions with technical differences.

Legislative counsel.

100. Similar provisions regarding applications, but the headings differ.

Legislative counsel.

101. The House bill, but not the Senate amendment requires a description of how the project will help achieve the national education goals.

The Senate recedes with an amendment to strike the Goals 2000 reference.

102. Identical provisions with technical difference.

Legislative counsel.

103. Identical provisions, but only the House bill adds, "district, multidistrict" and only the Senate amendment adds "maintenance and operation."

The House recedes.

104. Identical provisions, with technical difference concerning structure.

Legislative counsel.

105. Identical provisions, except only the Senate amendment includes "training."

The House recedes.

106. Identical provisions, except only the House bill includes "and related" programming.

The Senate recedes.

107. Identical provisions, except the Senate amendment requires this provision only in the case of applications for assistance for instructional programming and includes "classroom teachers".

The House recedes.

108. Similar provisions, but the House bill lists six disciplines and the Senate amendment lists three.

The Senate recedes.

109. Identical provision, but the House bill uses the term "professional development" for the Senate amendment's term "training."

The Senate recedes.

110. Identical provisions, but the House bill uses the terms "historically underserved", "low-income families" and "low literacy skills", for the Senate amendment's terms, "traditionally underserved", "disadvantaged" and illiterate."

The Senate recedes.

111. The House bill, but not the Senate amendment, includes how existing facilities will be used.

The Senate recedes.

112. The Senate amendment, but not the House bill, requires assurances that purchased equipment will be protected.

The House recedes.

113. Identical provisions with technical differences. (See Section 2223(b)(2), note #125, for comparable House provision.)

Legislative counsel.

114. The Senate amendment, but not the House bill, requires assurances that funds will supplement, not supplant other funds.

The House recedes.

115. The Senate amendment, but not the House bill, requires consortia to describe coordination.

The House recedes.

116. Identical provisions, except the Senate amendment includes "including activities and services."

Legislative counsel.

117. Identical provisions, except the Senate amendment includes "training."

Legislative counsel.

118. Similar provisions, except the House builds on the Senate language, extending it to include job training and other social service programs.

The Senate recedes.

119. Similar provisions, except the Senate amendment builds on the House language, extending it to include training materials

for students and teachers for interactive distance learning participation.

The House recedes.

120. Similar provisions, but the House bill extends training to early childhood personnel, vocational education personnel and adult and family educators, whereas the Senate amendment limits training to early childhood development and Head Start personnel.

The Senate recedes.

Identical provisions, except that the Senate amendment does not include the phrase, "at times other than the regular school day."

The House recedes.

121. The Senate amendment, but not the House bill, includes as a separate item vocational education personnel. (See preceding note.)

The Senate recedes.

122. The Senate amendment, but not the House bill, includes training on content standards.

The House recedes.

123. The Senate amendment, but not the House bill, includes parent education.

The House recedes.

124. The House bill, but not the Senate amendment, includes a description of future financing.

The Senate recedes.

125. Identical provisions with technical differences. (See section 3205(b)(7), note #113, for comparable Senate provision.)

Legislative counsel.

126. The House bill requires applicants to provide information as required by the Secretary; the Senate amendment requires "additional assurances" as the Secretary may require.

Legislative counsel.

127. Both have identical phrases, but the House bill establishes "priorities" as its heading; the Senate amendment establishes "approval of applications; priorities" as its heading and includes the word "demonstrate" in the lead-in phrase.

Legislative counsel.

128. The House bill, but not the Senate amendment, has as a priority that plans should assist in achieving the national education goals.

The Senate recedes with an amendment striking the Goals 2000 reference.

129. The House bill, but not the Senate amendment, has as a priority for services to adults.

The House recedes with an amendment striking the clause beginning with "including" and ending with "title 1" and adding "programs serving adults, especially parents with low levels of literacy" before "institutions of higher education".

130. Similar provisions regarding a priority for schools with a high number of poor children, but the Senate amendment also emphasizes serving the broadest range of institutions.

The Senate recedes.

131. The Senate amendment, but not the House bill, provides a priority to applications emphasizing math, science and foreign language.

The Senate recedes.

132. The Senate amendment, but not the House bill, provides a priority to applications with involvement of educational institutions, state and local government, and industry.

The Senate recedes.

133. The Senate amendment, but not the House bill, provides a priority to applicants in partnership with a significant number of educational institutions.

The Senate recedes.

134. The Senate amendment, but not the House bill, provides a priority to applications which include staff with substantial academic and teaching capabilities.

The House recedes with an amendment placing a period after "development" and deleting the rest of the sentence.

135. The Senate amendment, but not the House bill, provides a priority for partnerships which provide a listed range of resources.

The House recedes.

136. The Senate amendment, but not the House bill, provides a priority for partnerships which serve a multistate area.

The House recedes.

137. The Senate amendment, but not the House bill, provides a priority for partnerships which provide equipment.

The House recedes.

138. The Senate amendment, but not the House bill, provides a priority for donation of equipment or in kind services.

The House recedes.

139. The Senate amendment, but not the House bill, provides a priority to entities which assist individuals who are traditionally underrepresented in the fields of math and science.

The Senate recedes.

140. Similar provisions regarding geographic distribution, except the Senate bill uses the term, "distribution of grants" when the House bill uses the term, "distribution of services" and the House bill adds the phrase "to the extent feasible."

The Senate recedes on "to the extent feasible" and the rest is to be resolved by legislative counsel.

Leadership and Evaluation Activities

141. The House bill uses the heading, "set-side"; the Senate amendment uses "reservation."

Legislative counsel.

142. The House bill allows the Secretary to reserve up to 10 percent; the Senate amendment allows not more than 5 percent.

The House recedes.

143. Technical difference.

Legislative counsel.

144. Identical provisions, but the Senate amendment uses a heading and references a subsection and the House bill references Star Schools.

Legislative counsel.

145. Identical provisions, but the House bill references Star Schools when the Senate amendment references "efforts assisted under this part."

Legislative counsel.

146. Similar provisions, except the Senate provision breaks into two phrases the peer review activities.

Legislative counsel.

Definitions

147. Technical difference in wording.

Legislative counsel.

148. Identical provisions, except only the House bill includes the phrase "for elementary and secondary students, teachers and others" and only the Senate amendment includes the phrase, "resources used in such instruction and training."

The Senate recedes.

149. The Senate amendment, but not the House bill, includes a definition for the term "State."

Legislative counsel unless this is somewhere else in the bill, then it should be deleted.

Administrative Provisions

150. The Senate amendment, but not the House bill, provides "administrative provisions" applicable to the grant recipients.

The House recedes with an amendment changing five years to three years.

Other Assistance

151. The Senate amendment, but not the House bill, authorizes the Secretary to provide assistance to other telecommunications networks, which are statewide or local, and which meet certain conditions. Among the activities authorized, are telecommunications programs for continuing education.

The House recedes.

DEVELOPMENT OF EDUCATIONAL TECHNOLOGY PRODUCTS

(Title II, Subpart 4 in H.R. 6/Title III, Part A, Sec. 3124 in S. 1513)

152. The House bill, but not the Senate amendment makes this a subpart with a separate heading.

The Senate recedes.

153. The Senate amendment, but not the House bill, includes a second purpose to develop long-term programming.

The House recedes.

154. Similar provisions, but the House bill does not specify the type financial assistance to be provided when the Senate amendment specifies "grants" and the House bill notes the resources are to be used in the classroom or for professional development and the Senate amendment notes the resources should be "curriculum based" and includes "educational radio and television."

The Senate recedes.

155. The House bill, but not the Senate amendment authorizes both grants and loans for this section with certain requirements for each category of assistance.

The Senate recedes.

156. The House bill requires cost sharing, with the amount determined by the Secretary; the Senate amendment allows the Secretary to require cost sharing which must be announced in the federal register.

The House recedes.

157. The House bill requires that a consortium be made up of at least one entity in each of the categories described under (A), (B), (C) or (D); the Senate amendment requires that a consortium be made up of at least one entity in each of two categories described under (A) and may include entities in two other categories described under (B).

The House recedes.

158. The House bill, but not the Senate amendment, requires the Secretary to establish a private sector advisory board.

The House recedes.

159. The House bill gives priority to "programs or systems that"—promote educational excellence, are aligned with standards, can be adapted nationally, converts Defense resources, reduces costs of providing instruction and expands access; the Senate amendment gives priority to "products that are developed"—to be adapted nationally, raise achievement levels, in consultation with teachers and with those designing standards, adapted for adults needing literacy services.

The House recedes with an amendment merging the House and Senate provisions on priorities.

160. Identical provisions, but the House bill includes students "of all ages."

The House recedes.

161. Similar provisions, but the House bill emphasizes training of teachers to integrate technology in the classroom and the Senate amendment emphasizes promoting professional development of teachers and administrators.

The House recedes.

162. Identical provisions, but the House bill includes "piloting" and there are conforming differences.

The House recedes.

163. Identical provisions with conforming differences, and "large" in the House bill, is "significant" in the Senate amendment.

The House recedes.

164. Identical provision, except only the Senate amendment includes, "of products."

The House recedes.

165. The Senate amendment, but not the House bill, requires a description of how rights will be allocated among consortium participants.

The House recedes.

166. The Senate amendment, but not the House bill, requires a description of contributions and how any revenues from the sale of products will be distributed.

The House recedes.

167. The House bill requires the Secretary to provide for an independent evaluation of programs and for dissemination of useful

information; the Senate amendment requires the Secretary to disseminate useful information through a variety of media.

The House recedes with an amendment to merge the House and Senate provisions.

168. The House bill authorizes the Secretary to require royalty payments; the Senate amendment prohibits the Secretary from disallowing financial gain from products and requires profits or royalties received by the SEAs, LEAs, or other non-profits be used to support further development.

The House recedes.

Authorization of Appropriations

169. Identical provisions with different wording.

Legislative counsel.

READY-TO-LEARN TELEVISION

170. The Senate amendment, but not the House bill, authorizes an appropriation of $30m to fund non-profit entities to produce educational and instructional video programming for preschool and elementary school children and their families.

The House recedes. The committees are aware of the Department of Commerce's National Endowment for Children's Educational Television grant program, established by P.L. 101–437. The committees intend for the Departments of Education and Commerce to share information regarding program activities to achieve better coordination among federally-supported programs for children's educational television programming. The Department of Education is requested to provide expertise on the implementation of National Education Goals 2000 Report as it applies to children's educational television programming.

ELEMENTARY MATHEMATICS AND SCIENCE EQUIPMENT PROGRAM

(Title III, Part D)

171. The Senate amendment, but not the House bill, authorizes an appropriation of $30m to provide State educational agencies, through a formula driven program, funds to be distributed to LEAs for purchasing equipment and materials for math and science programs in schools.

The House recedes.

TELECOMMUNICATIONS DEMONSTRATION PROJECT FOR MATHEMATICS

The Senate amendment, but not the House bill, includes a program which provides grants to telecommunications entities.

The House recedes.

Part Library Media Program

172. The House bill part is entitled "Library Media Program" while the Senate amendment part is entitled "Elementary and Secondary School Library Media Resources Program."

The House recedes.

Establishment of Program

173. The House bill section is entitled "Establishment of Program" while the Senate amendment section is entitled "Program Authorized."

Legislative counsel.

174. The House bill authorizes the Secretary to "award grants from allocations under section 2232 to States" whereas the Senate amendment authorizes the Secretary to "award grants or make allocations" in accordance with this part.

Legislative counsel.

Allocation to States

175. The House bill section is entitled "Allocation to States" while the Senate amendment section is entitled "Funding Requirements."

Legislative counsel.

176. The House bill authorizes funds for the library program in section 2205, (this is an incorrect citation in the bill it should be 2235) at $200 million for the first year while the Senate amendment allocates funds for this part from the funds authorized under its technology part, which totals $200 million in the first year. The Senate amendment specifies that this library program should receive 10 to 20 percent of such funds.

The Senate recedes.

177. Regarding appropriations under $50 million, the House bill stipulates that grants will be made at the discretion of the Secretary, while the Senate specifies that the Secretary shall award grants to States on a competitive basis.

The House recedes.

178. In the same provisions, the Senate, but not the House provides that grant awards should take into account "the relative economic need of the students to be served."

The House recedes.

179. Regarding appropriations over $50 million, the House bill provides funds to States to reflect the ratio of what a State receives under section 1122 of title I (this is an incorrect citation) relative to what all States receive under that section. The Senate has a similar provision, however, it is based instead on the title II Eisenhower professional development allocations.

The House recedes.

State Plans

180. The House bill states that a State must have a plan including specified provisions in order to receive an "allocation of funds." The Senate amendment provides States with such state plans with "a grant or an allocation of funds."

Legislative counsel.

181. In the state plans, both House and the Senate specify that funds under this part shall be used for acquisition of school library resources. The House bill states that these include "foreign language resources"; the Senate amendment states that these include "books and foreign language resources."

The House recedes.

182. The House bill separates this sentence with a semi-colon after "resources" while the Senate amendment uses a comma.
Legislative counsel.

183. The House bill allows 5% of the funds paid to States for any fiscal year to be used for administration of the State plan while the Senate amendment allows 3% for administration. (The House 5% provision is not consistent with the provision that States must distribute 99% of their funds to LEAs. See note #527.)
The House recedes.

184. The House bill states that a State plan may be submitted as part of a consolidated application. The Senate amendment has no such provision.
The Senate recedes.

Distribution of Allocation to Local Educational Agencies

185. The House provides that no less than 99% of the funds made available to States under section 2202 (this is an incorrect citation and should be 2232) shall be distributed to LEAs. (This is not consistent with the provisions that the State may keep up to 5% of funds allocated to it for administration. See note #525.)

The Senate provides that no less than 97% of the funds allocated to States under this part shall be distributed to LEAs on the same basis as are the funds under section 2122 (the allocation of funds under the Senate amendment Technology part).
The House recedes.

186. The House bill, but not the Senate amendment, distributes funds passed on relative enrollments of elementary and secondary school students, providing a higher allotment per pupil to LEAs with a high number or percentage of students who impose a higher than average cost per child.
The Senate recedes.

Authorization of Appropriations

187. The House bill authorizes $200,000,000 for this part for FY95 and such sums thereafter. The Senate amendment has no such provision but rather authorizes funds as a percentage of their Technology part authorization.
The Senate recedes.

TITLE IV—SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES

1. The House bill uses the terms "part" and "it or its" (when referring to a local educational agency for the second time within a paragraph or subsection. The Senate amendment use the terms "subpart" and "such agency or agencies" (when referring to a local educational agency in similar situations). Also, the Senate amendment uses subsection headings throughout; the House uses them inconsistently. Finally, the House spells out numbers "e.g. three million", the Senate uses Arabic numerals "e.g., 3,000,000".
Legislative counsel.

Short title

2. The House bill, but not the Senate amendment, includes a short title.
Legislative counsel.

Findings

3. The House bill refers to “Goal Six”; the Senate amendment refers to “the seventh National . . . Goal”.

The House recedes.

4. The Senate amendment, but not the House bill, includes the term “and the unauthorized presence of firearms and alcohol”.

The House recedes.

5. The House bill, but not the Senate amendment, uses the term “the widespread illegal use of alcohol and other drugs”.

The Senate recedes with an amendment striking “other”.

6. The House bill, but not the Senate amendment, adds the sentence “Approximately one out of every five high school students now carries a firearms, knife, or club on a regular basis.”.

The House recedes.

7. The Senate amendment, but not the House bill, adds findings related to violence linked to prejudice and intolerance and the fact that violence and drug abuse have numerous personal and societal roots and, therefore, character education is important.

The House recedes on the findings with respect to prejudice and intolerance. The Senate recedes on the finding concerning character education.

8. The House bill uses the terms “drugs” and “by their communities . . .”; The Senate amendment uses the terms “other drugs” and “by such student communities . . .”.

The Senate recedes.

9. The House bill, but not the Senate amendment, includes a finding citing the statistics on the widespread use of alcohol among teenagers and its effect.

The Senate recedes.

10. The Senate amendment, but not the House bill, includes a finding relative to alcohol and tobacco being the most widely abused drugs among young people and the consequences of failure to include them in anti-drug abuse education.

The House recedes.

11. The House bill, but not the Senate amendment, uses the term “for the first time”.

The House recedes.

12. The House bill uses the term “high school seniors”; the Senate amendment uses the term “secondary school seniors”.

The House recedes.

13. The House bill, but not the Senate amendment, includes a finding that the failure to include tobacco in an anti-drug program sends the wrong message as to its acceptability (See Note 10). Also the House bill, but not the Senate amendment, includes a finding on nicotine as an addictive substance.

The House recedes.

14. The House bill use the term “their goals”; the Senate amendment uses the term “the goals”.

The House recedes.

Purpose

15. The House bill refers to “Goal Six”; the Senate amendment refers to the “seventh National . . . Goal”.

The House recedes.

16. The House bill refers to the "illegal use of alcohol and drugs"; the Senate amendment refers to the "illegal use of alcohol, tobacco, and other drugs".

The House recedes with an amendment striking "other".

17. The House bill, but not the Senate amendment, includes local and intermediate educational agencies and consortia as entities eligible for State grants.

The House recedes.

18. The House bill uses the term "education"; the Senate amendment uses the term "education for school dropouts and other high-risk youth".

The Senate recedes.

19. The Senate amendment, but not the House bill, includes "research".

The Senate recedes.

20. The House bill refers to programs in institutions of higher education "for the development and implementation of model programs" to promote the safety of students; the Senate amendment refers to programs in such institutions "to establish, operate, expand, and improve drug and violence prevention, education and rehabilitation referral programs."

The House recedes.

Authorization of Appropriations

21. The House bill authorizes $630,000,000 for State programs for FY 1995 and such sums as may be necessary for each of FYs 1996 through 1999, and $25,000,000 for the National Programs for FY 1995 and such sums as may be necessary for each of FYs 1996 through 1999, with the money to be available on an advance funded basis and available for expenditure for 18 months; the Senate authorizes $660,000,000 for FY 1995 and such sums as may be necessary for each of the four succeeding Fiscal Years, with no more than 10% to be reserved for National Programs.

The Senate recedes with an amendment striking the provision concerning the availability of funds.

22. The House bill uses the term "From the amount appropriated . . ."; the Senate amendment uses the term "From the amount available. . .".

Legislative counsel.

23. The House bill uses the term "Palau (until the effective date of the Compact of Free Association with the Government of Palau)"; the Senate amendment uses the term "The Republic of the Marshall Islands, the Federated State of Micronesia, and Palau".

The House recedes.

24. The House bill refers to sections 1124 and 1124A of this act; the Senate amendment refers to section 1122. No substantive difference.

Legislative counsel.

25. The House bill uses the term "as in effect on the day before enactment of the Safe and Drug-Free Schools and Communities Act Amendments of 1994"; the Senate amendment uses the term "as such sections were in existence on the day preceding the date of enactment of the Improving America's Schools Act of 1994".

The House recedes.

26. The House bill states that if the Secretary makes a reallotment, the Secretary "shall" use a specific formula"; the Senate amendment says the Secretary "may" use the given formula.

The Senate recedes.

27. In paragraph (4), the Senate amendment, but not the House bill, places the definition of "State" in a new subparagraph (A) and, in a new subparagraph (B), provides that the term "local educational agency" includes intermediate school districts and consortia.

The House recedes with a conforming amendment substituting the term "education service agencies" for the term "intermediate school districts".

28. The House bill, but not the Senate amendment, requires that the State application for this program be coordinated with its Goals 2000 application, if it has one, or any other State plan applicable to similar programs or efforts.

The House recedes.

29. The House bill requires that the application be developed "in consultation with the chief executive officer" and numerous other officials; the Senate amendment requires that the application "contains assurances that the application was developed in consultation and coordination with appropriate State officials . . . including the chief State school officer" and other officials similar to the House provisions.

The House recedes with an amendment adding "chief executive officer" to the list of officials who must be consulted in the development of the application. The conferees expect that both the chief executive officer and the chief state school officer will consult with each other, as well as with other appropriate officials, in the development of their respective plans for the use of funds under this title. Neither official, however, is authorized to approve the contents of the plan developed by the other. Further, the conferees wish to emphasize that the needs assessment required by Section 5112(a)(1) may be a single needs assessment performed jointly by the chief executive officer and the chief state school officer or it may include separate assessments performed by each official.

30. The House bill, but not the Senate amendment, requires assurance that the State will cooperate in the national evaluation and that the application will include any other information the Secretary may require.

The Senate recedes.

31. The House bill uses the term "it" when referring to the S.E.A.; the Senate amendment uses the term "such agency".

Legislative counsel.

32. See preceding note.

Legislative counsel.

33. The House bill requires an assurance that the application will contain "a description of how the State educational agency will coordinate its activities under this part with drug and violence prevention efforts of other State agencies"; the Senate amendment requires an assurance the application will contain "a description of how the State educational agency will coordinate such agency's activities under this subpart with the chief executive officer's drug

and violence prevention programs under this subpart and with the prevention efforts of other State agencies.".

The House recedes.

34. The House bill uses the term "his or her" when referring to the chief executive officer; the Senate amendment uses the term "such officer's".

Legislative counsel.

35. The House bill uses the term "its" when referring to the State; the Senate amendment uses the term "State's".

Legislative counsel.

36. The Senate amendment, but not the House bill, includes the term ". . . in accordance with this subpart." when referring to application approval.

Legislative counsel.

State and local educational agency programs

37. The House bill, but not the Senate amendment, contains a caveat on the distribution of State education program funding—see following note.

The House recedes.

38. The House bill, but not the Senate amendment, contains a provision relating to States which have current programs operated by an 'independent State agency (defined)' which commingle Governor's and S.E.A. funds. The provision requires a specific division of the funds with respect to the programs supported and the grants made.

The Senate recedes with amendments which designate independent state agencies in the affected states as the recipients of funds, but requires that such agencies participate on the same basis and with the same allotment of funds as the chief executive officer in other states.

39. The House bill includes ". . . administrators, counselors, coaches and athletic directors, other educational personnel, parents . . ." among those to receive training and technical assistance; the Senate amendment includes ". . . administrators, coaches and athletic directors, other staff, parents . . ." among the same group.

The House recedes.

40. The House bill, but not the Senate amendment, includes the term "(including videotapes, software, and other technology-based learning resources) when describing curriculum materials.

The Senate recedes.

41. The Senate amendment, but not the House bill, includes "making available to [l.e.a.s] cost effective programs for youth violence and drug abuse prevention" as an eligible activity.

The House recedes.

42. The Senate amendment, but not the House bill, includes "training, technical assistance, and demonstration projects to address violence associated with prejudice and intolerance" as an eligible activity.

The House recedes.

43. The House bill uses the term "the evaluation of activities carried out within the State under this part"; the Senate amendment uses the term "evaluation activities required by this subpart."

The Senate recedes.

44. The House bill allows the State educational agency to use 4% for administrative costs; the Senate amendment allows 5% for the same.

The Senate recedes.

45. The House bill uses the term "its" when referring to the S.E.A.; the Senate amendment uses the term "such agency's".

Legislative counsel.

46. The House bill requires a S.E.A. to distribute no less than 92% of funds to l.e.a.s; the Senate amendment requires an S.E.A. to distribute not less than 90% to l.e.a.s.

The Senate recedes with an amendment setting the percentage at 91 per cent.

47. The House bill uses the term "within their boundaries"; the Senate amendment uses the term "within the boundaries of such agencies.".

Legislative counsel.

48. The House bill, but not the Senate amendment, requires that to the extent practicable, no less than 25% of the funds available be distributed to rural areas.

The Senate recedes with amendments stipulating that the allocation of funds should be based upon an objective assessment of need and adding local educational agencies in urban areas as entities eligible for the 25 per cent set-aside.

49. The Senate amendment, but not the House bill, includes the term ". . . in the State . . ." when referring to l.e.a.s.

Legislative counsel.

50. The House bill uses the term "such factors as"; the Senate amendment uses the term "factors such as".

The House recedes with an amendment to strike "factors" and insert "objective data".

51. The Senate amendment, but not the House bill, adds "high incidence of violence associated with prejudice and intolerance" to the factors to be considered in the distribution of supplemental funding.

The House recedes.

52. The House bill, but not the Senate amendment, includes a provision on the return of unused or unneeded funds to State educational agencies and the reallotment of such funds.

The Senate recedes with an amendment striking "intermediate educational agency"

53. The House bill, but not the Senate amendment, reserves 10% of the Governor's fund for the DARE program required under the House bill. The Senate recedes with amendment to add a new provision entitled Law Enforcement Education Partnerships which keeps the reservation and allows it to be used for law enforcement agencies win consortia with LEAs or community-based agencies to carry out drug abuse and violence prevention activities.

54. The House bill uses the term "no more than five percent of the 20 percent of the total amount described in paragraph (1) for the administrative costs"; the Senate amendment uses the term "not more than 5% of the amount reserved under subsection (a)(1) for the administrative costs".

Legislative counsel.

55. The House bill, but not the Senate amendment, requires the establishment of a State advisory panel to assist the chief executive officer and the S.E.A. in administering funds and programs under this authority. The provision stipulates makeup, duties and the requirement that the panel devise a statewide plan for programs to be carried out by both the Governor and the S.E.A. Meetings, political affiliation and compensation are also prescribed.

The House recedes.

56. The House bill requires that in making certain grants, the chief executive officer provide services to certain groups; the Senate amendment requires that in making similar grants, priority be given to serving a similar group (see next note).

The House recedes with an amendment requiring the chief executive officer to undertake special outreach efforts to seek the involvement of community-based agencies in low-income communities.

57. The Senate amendment, but not the House bill, adds "pregnant and parenting teenagers" to the group to be served by grants from the chief executive officer.

The House recedes.

58. The House bill references subsection (c); the Senate amendment references subsection (b).

The House recedes.

59. The House bill uses the term "education, early intervention, counseling, or rehabilitation referral" when discussing training; the Senate amendment uses the term "comprehensive health education, early intervention, pupil services, or rehabilitation referral" when referring to the same activity.

The House recedes.

60. The House bill refers to "vocational and jobs skills training, law enforcement, health, mental health, and other appropriate services, when referring to coordination of services; the Senate amendment refers to "vocational and job skills training and placement, law enforcement, health, mental health, community service, mentoring and other appropriate services" when referring to the same activity.

The House recedes.

61. The Senate amendment, but not the House bill, includes before and after school activities, professional development workshops, activities to prevent and reduce violence associated with prejudice and intolerance, as eligible activities.

The House recedes with an amendment striking "professional development workshops for teachers and curricula" and inserting in lieu thereof "activities".

62. The Senate amendment, but not the House bill, includes age appropriate programs to prevent child abuse and community service and service learning as eligible activities

The House recedes with an amendment to strike child abuse prevention activities and clarify that service-learning activities should encourage drug- and violence-free lifestyles.

63. The House bill, but not the Senate amendment, requires a specific DARE program required under the House bill. The requirement includes specific programmatic and administrative provisions.

The Senate recedes with an amendment reserving 10% of the Governor's funds for law enforcement partnership activities, which may include Project DARE.

64. The House bill uses the term "an allocation"; the Senate amendment uses the term "a distribution".

Legislative counsel.

65. The Senate amendment, but not the House bill, includes "pupil services personnel" among the groups to be consulted in the development of a local application.

The House recedes.

66. The House bill uses the term "including community service and service learning projects, and the agencies that administer them" when referring to how best to coordinate programs; the Senate uses the term "and the agencies that administer such programs, projects, and activities".

Legislative counsel.

67. The House bill uses the term "an assessment of the current use (and consequences of such use) of alcohol, tobacco, and controlled, illegal, addictive or harmful substances" when describing application requirements; the Senate amendment uses the term "a description of the current alcohol, tobbaco and other drug problems" when setting forth the same requirement.

The Senate recedes with an amendment striking assessment and inserting in lieu thereof "objective analysis".

68. The House bill, but not the Senate amendment, requires the l.e.a. to show how this application is coordinated with the State or local GOALS 2000 plan, if such exists.

The House recedes with an amendment to include the following: (A) how that plan is integrated with other plans under this Act, the Goals 2000: Educate America Act or other Acts, as appropriate consistent with the General Provisions governing this Act.

69. The House bill, but not the Senate amendment, requires the l.e.a. to show how this program is tied to a comprehensive plan for programs carried out under this authority.

The House recedes.

70. The House bill refers to the specific provisions allotting funds to an l.e.a.; the Senate makes a generic reference to the "distribution under this subpart".

Legislative counsel.

71. The House bill allows a process other than peer review in the review of application by the S.E.A.; the Senate amendment requires the use of a peer review process.

The Senate recedes.

72. The House bill, but not the Senate amendment, requires an S.E.A. to consider the extent a l.e.a. application supports the GOALS 2000 plan of a State when it reviews a l.e.a. application.

The House recedes with an amendment to include the following: "and the extent to which it is integrated with other plans under this Act, the Goals 2000: Educate America Act or other Acts, as appropriate consistent with the General Provisions governing this Act."

73. The House bill uses the term "use of funds allotted"; the Senate amendment uses the term "use of funds distributed."

Legislative counsel.

74. The House bill, but not the Senate amendment, in discussing S.E.A. disapproval of an l.e.a. application, says that it may be done to further the GOALS 2000 plan of the State, except that an l.e.a. must be afforded an opportunity to appeal such disapproval.

The Senate recedes with an amendment striking the reference to Goals 2000.

75. The House uses the term "needs assessments"; the Senate uses the term "needs".

The House recedes.

76. In paragraph (1), the House bill refers to "drug prevention and education programs." The Senate amendment refers to "drug prevention and *comprehensive health* education programs".

The Senate recedes.

72. The House includes "counseling" under programs authorized; the Senate includes "pupil services" instead.

The House recedes.

73. The Senate amendment, but not the House bill, includes "tobacco" in the description of comprehensive strategies.

The House recedes.

74. The House bill uses the term "sexual harassment"; the Senate amendment uses the term "sexual harassment and abuse, and victimization associated with prejudice and intolerance".

The House recedes.

75. The House bill, but not the Senate amendment, includes "student pledges to renounce the use of violence, student non-violence awareness days, student outreach efforts against violence, anti-crime youth councils (which work with school and community-based organizations to discuss and develop crime prevention strategies)" under violence prevention activities.

The Senate recedes with an amendment to strike the references to student pledges and to student nonviolence awareness days and to add "and abuse" after "sexual harrassment".

81. The Senate amendment, but not the House bill, includes character education programs.

The House recedes with an amendment stipulating the character education may be one component of a comprehensive drug and violence prevention program.

76. The Senate amendment, but not the House bill, includes 'safe zones of passage' programs.

The House recedes.

77. The House bill, but not the Senate amendment, allows for the payment of up to ½ of the cost of minor remodeling to promote security and reduce the risk of violence.

The House recedes.

78. The Senate amendment, but not the House bill, includes reimbursement of law enforcement authorities and professional development workshops on alternatives to violence as allowable activities.

The House recedes with amendments striking the provision with respect to the reimbursement of law enforcement authorities and the term "workshops".

79. The House bill limits expenditures on remodeling and safety devices to no more than 33% of the funds received under the program; the Senate amendment limits the expenditures for safe

passage zones, safety devices, and reimbursement of law enforcement authorities to not more than 10% of the funds received under the program.

The House recedes with an amendment setting the limitation at 20 per cent.

80. The House bill, but not the Senate amendment, stipulates that past expenditures for comprehensive health activities funded by this program will be deemed to have been allowable.

The Senate recedes.

The Conferees wish to make plain that this provision should be widely interpreted, that it covers all questions dealing with percentage of costs covered with funds received under this Act and that it pertains to all fiscal years since the inception of the Act.

81. The Senate amendment, but not the House bill, stipulates that funds under this program may be used for safe passage programs, safety devices and reimbursement of law enforcement authorities only if funds for such purposes are not received from other Federal agencies.

The House recedes.

Evaluation and Reporting

82. In subsection (a), the Senate amendment, but not the House bill, places the National Impact Evaluation provision in a paragraph (1) headed "BIENNIAL EVALUATION" and provides that the evaluation also cover "other recent and new initiatives to combat violence in schools".

The House recedes.

83. The Senate amendment requires the collection by the Secretary of National information and data. Further, the House bill requires a submission of a report every three years by the State educational agency; the Senate amendment requires a report on the same timeline from the Chief executive officer, in cooperation with the State educational agency.

The House recedes with an amendment requiring that such data be collected by the National Center for Education Statistics.

84. The Senate amendment, but not the House bill, requires that the report include activities funded under the Governor's program.

The House recedes.

85. The Senate amendment, but not the House bill, requires the report to include information on progress in meeting the goals under the Governor's program.

The House recedes.

Programs for Hawaiian Natives

86. The Senate amendment, but not the House bill, included the term "to carry out this section".

The House recedes with an amendment making the term "native Hawaiians" instead of "Hawaiian natives".

87. The House bill uses the term "this"; the Senate amendment uses the term "this title"—probably a mistake in the House bill.

Legislative counsel.

National Programs

Federal Activities

88. The Senate amendment, but not the House bill, includes the Chair of the Ounce of Prevention Council among the individuals with whom the Secretary consults relative to Federal Activities.

The House recedes.

89. The House bill uses the term "preschool through postsecondary"; the Senate amendment uses the term "prekindergarten through postsecondary".

The Senate recedes.

90. The House bill, but not the Senate amendment, requires that demonstration and evaluations of innovative approaches be of programs carried out in cooperation with other Federal agenies.

The House recedes.

91. The Senate amendment, but not the House bill, authorizes coordinated research programs.

The Senate recedes.

92. The House bill, but not the Senate amendment, authorizes the provision of information for distribution through the clearinghouse on alcohol and drug abuse information, the development, dissemination and implementation of programs to promote the safety of students in institutions of higher education, and the development of curriculum regarding child abuse training and prevention.

The Senate recedes with an amendment striking the provisions concerning students attending institutions of higher education.

93. The Senate amendment, but not the House bill, stipulates that the evaluations be in accordance with section 10701.

The House recedes.

94. The House bill uses the phrase "developing and disseminating drug and violence prevention materials, including video-based projects and model curricula; the Senate amendment uses the phrase "the development of education and training programs, curricula, instructional materials and professional training and development for preventing and reducing the incidence of crimes and conflicts motivated by hate in localities most directly affected by hate crimes.".

The Senate recedes with an amendment adding the development of education and training programs designed to prevent hate crimes as an eligible activity.

95. The Senate amendment, but not the House bill, authorizes developing and disseminating materials and curricula—see preceding NOTE.

The Senate recedes.

Grants to Institutions of Higher Education

96. The Senate amendment, but not the House bill, authorizes grants to institutions of higher education for drug and violence prevention programs for students enrolled in such institutions.

The House recedes with an amendment to add "other drugs by such students" on line 2 of section 5122.

Such report on model programs shall be coordinated with the report required under sec. 204(a)(4)(B) of Public Law 101–542, the

Student Right to Know and Campus Security Act of policies, procedures, and practices which have proven effective in the reduction of campus crime.

Hate Crime Prevention

97. The House bill, but not the Senate amendment, authorizes grants to local educational agencies and community based organizations to support a wide range of activities to prevent and reduce crime associated with hate and prejudice in those localities most directly affected by such crimes.

SR with amendments (1) if funded will come out of secretaries discretionary money and (2) delete duplicative definitions (all).

The Conferees wish to clarify that grants under this authority shall be supported with funds made available to the Secretary for national activities.

General Provisions

98. The House bill, but not the Senate amendment, cites the use of tobacco.

The House recedes.

99. The Senate amendment, but not the House bill, has a provision relating to "prevention, early intervention, smoking cessation activities, or education related to the use of tobacco".

The House recedes with an amendment adding at the end "by children and youth eligible for services under this title."

The Conferees have agreed to set out provisions related to the prevention of the use of tobacco in a separate subparagraph only for the purposes of enhancing the clarity of the definition of "drug and violence prevention". By agreeing to this construction, the Conferees do not intend for the prevention of illegal tobacco use to be construed to be an optional component of the comprehensive drug and violence prevention activities carried out by recipients of funds under this title. To be credible, messages opposing illegal drug use by youth should address alcohol and tobacco as well.

100. The House bill uses the term "sexual harassment"; the Senate amendment uses the term "sexual harassment and abuse, and victimization associated with prejudice and intolerance".

The House recedes.

101. The Senate amendment, but not the House bill, includes a definition of "hate crime"—see the program in the House bill related to this topic.

The House recedes.

102. The House bill, but not the Senate amendment, includes the term "inclusive" in describing the age group included in definition.

Legislative counsel.

Prohibited Use of Funds

103. The House bill prohibits the use of funds to provide "psychiatric, psychological, or other medical treatment or rehabilitation, other than school-based counseling for students or school personnel who are victims or witnesses of school-related crime"; The Senate amendment prohibits the use of funds to provide "medical services, except for pupil services or referral to treatment for students who

are victims of or witnesses to crime or who use alcohol, tobacco or other drugs."

The House recedes with an amendment adding "and rehabilitation" after "treatment" and striking the word "other".

Certification of Drug and Alcohol Abuse Prevention Programs

Drug-Free

104. The House bill, but not the Senate amendment, sets out the minimum requirements for programs to prevent the use of illegal drugs and alcohol by students and employees that an l.e.a. must certify to an S.E.A. as having been adopted and implemented.

The House recedes.

105. The Senate amendment, but not the House bill, authorizes grants to educational service organizations and consortia thereof for a wide range of programs to prevent dropouts, identification of potential dropouts and school completion programs. $50 million is authorized for this activity.

The House recedes with an amendment placing the dropout prevention program in part C of Title V.

TITLE V—PART A—MAGNET SCHOOLS ASSISTANCE

4. The Senate amendment, but not the House bill, includes making special efforts in discouraging isolation of "Students by racial characteristics"

The House recedes.

5. The House bill refers to "local educational agencies"; the Senate amendment refers to "school districts". The House bill refers to "if they have more flexibility"; the Senate amendment refers to "if such districts have more flexibility in the administration of such program in order to . . . ".

The Senate recedes on "local educational agencies" and legislative counsel will address the flexibility clause.

6. The Senate amendment, but not the House bill, includes "consistent with desegregation guidelines" in enabling participation by students who reside in the neighborhoods where the program operates.

The House recedes.

7. The Senate amendment, but not the House bill, includes "after Federal funding ends, the Federal Government must assist school districts to improve their capacity" to continue to operate at a high level of performance.

The House recedes.

8. The House bill refers to "its"; the Senate amendment refers to "the Federal Government" in continuing its support of local educational agencies in implementing court-ordered desegregation plans, plus LEA issue.

Legislative counsel.

9. The House bill refers to "their"; the Senate amendment refers to "such students" in expressing the Federal Government's support in magnet schools programs, and other differences.

Legislative counsel.

10. The House bill refers to "new and innovative programs in magnet schools that contribute to State and local systemic reform";

the Senate amendment refers to "effective and innovative magnet schools that contribute to State and local systemic reform."

The House recedes.

11. The House bill refers to "part"; the Senate amendment refers to "title" in the Statement of Purpose. In addition, the House bill refers to local educational agencies while the Senate amendment refers to school districts.

Legislative counsel.

12. The House bill refers to "State performance standards"; the Senate amendment refers to "State content standards and challenging State student performance standards" in providing all students opportunities in achieving standards.

The House recedes.

13. The Senate amendment, but not the House bill, includes "and consortia of such agencies where appropriate, to carry out the purpose of this title for magnet schools that are" as eligible to receive grant awards. The Senate amendment also itemizes eligibility criteria.

The House recedes with an amendment inserting "eligible" before LEA.

14. The House bill refers to "a school or education center"; the Senate amendment refers to "a public school or public education center" in the definition of a Magnet School.

The House recedes.

15. The House bill refers to eligible grantees as "a local educational agency"; the Senate amendment refers to a "A local educational agency, or consortium of such agencies where appropriate, is eligible to receive assistance under this title to carry out the purposes of this title if such agency or consortium" meet specific criteria.

The House recedes on consortia and the Senate recedes on this program being a part rather than a title.

15A. The House bill refers to "it under this part"; the Senate amendment refers to "such local educational agency or consortium of such agencies under this part."

The House recedes.

16. The House bill refers to "An eligible local educational agency"; the Senate amendment refers to "An eligible local educational agency or consortium of such agencies," desiring to receive assistance under this program.

The House recedes and the Senate recedes on this program being a part rather than a title.

16A. The House bill refers to "An application under this part shall include—"; the Senate amendment refers to "Each such application shall include—".

Legislative counsel.

16B. The House bill refers to "this part" while the Senate amendment refers to "this title".

The Senate recedes.

17. The House bill refers to "will increase"; the Senate amendment refers to "seeks to increase" when referring to student achievement in the instructional area.

The Senate recedes.

18. The House bill refers to "the manner in which an applicant will continue"; the Senate amendment refers to "how an applicant will continue" the project without the assistance of Federal funds. Also, the House bill refers to the continuation of the magnet schools projects by the applicant "with funds under this part have been continued without the use of funds"; the Senate amendment refers to "with funds under this title cannot be continued without the use of funds under this part".

The House recedes except that the Senate recedes on part vs. title.

19. The House bill refers to "the State's and local educational agency's systemic reform plan, if any, under title III of the Goals 2000: Educate America Act"; the Senate amendment itemizes and refers to "(i) the State plan described in section 1111; and (ii) the local educational agency's plan described in section 1112."

The House recedes with an amendment to reference reform plans.

20. The House bill refers to "employ teachers in the courses of instruction assisted under this part who are certified or licensed by the State to teach the subject matter of the courses of instruction; the Senate amendment refers to "employ State certified or licensed teachers in the courses of instruction assisted under this title to teach or supervise others who are teaching the subject matter of the courses of instruction".

The House recedes. The Managers of the bill intend for this provision to allow experts in various fields, such as the arts or health care, to participate in classroom instruction and supervision in order to enhance the educational experience of students in the school.

21. The House bill refers to "have the greatest need for assistance"; the Senate amendment refers to "demonstrate the greatest need for assistance" in approving applications.

Legislative counsel except that the Senate recedes on part vs. title.

22. The Senate amendment, but not the House bill includes as a part of number 2 under *Priority*: "which include revisions to enable a magnet school to implement effective educational approaches that are consistent with the State's and the local educational agency's State or local improvement plans, if any;"

The Senate recedes.

23. The House bill refers to "propose to select students to attend magnet school projects by methods such as lottery, rather than through academic examination"; the Senate amendment refers to "propose to select students to attend magnet school projects on the basis of multiple criteria which may include a lottery, rather than solely academic examination."

The Senate recedes.

24. The House bill, but not the Senate amendment, contains a number 4 which reads "propose to implement innovative educational approaches that are consistent with the State's and local educational agency's approved systemic reform plans, if any, under title III of the Goals 2000: Educate America Act".

The Senate recedes with an amendment on coordination of reform plans.

25. The House bill refers to "Grants made under this part may be used by eligible local educational agencies"; the Senate amendment refers to "Grant funds made available under this title may be used by an eligible local educational agency or consortium of such agencies."

The House recedes on consortia and the rest is left to legislative counsel.

26. The Senate amendment, but not the House bill makes eligible "and instructional staff", where applicable for compensation in the program.

The House recedes on the substance and several other provisions are left to legislative counsel.

27. The Senate amendment, but not the House bill contains a Special Rule which prohibits a local educational agency from expending funds for planning after the third year of a project.

The House recedes.

28. The Senate amendment, but not the House bill, includes a matching requirement specifying a Federal share as follows: 100% for the first and second year; 90% for the third year; and 70% for the fourth or any subsequent year including grant renewals.

The Senate recedes.

29. The Senate amendment, but not the House bill, specifies that the non-Federal share may be in cash or in kind, including planned equipment or services, fairly valued, and may include other Federal education funds.

The Senate recedes.

30. The House bill refers to "Awards made under this part shall not exceed 3 years"; the Senate amendment refers to "A grant under this title shall be awarded for a period that shall not exceed four fiscal years."

The Senate recedes with amendment inserting "fiscal" years.

31. The House bill refers to "A local educational agency may expend for planning: up to 50% for the first year; 15% for the second year; up to 10% for the third year."

The Senate amendment specifies "A local educational agency may expend for planning: not more than 50% of the funds for the first year; 25% for the second year; 10% for the third year."

The Senate recedes on the substance of the provisions and the other differences are to be resolved by legislative counsel.

32. The House bill refers to "A local educational agency shall not receive more than $4,000,000 under this part in any one grant cycle"; the Senate amendment specifies "no local educational agency or consortium receiving a grant under this section shall receive more than $4,000,000 under this part in any one fiscal year."

The House recedes.

32A. The House requires that grants be awarded to LEAs by June 1 while the Senate amendment requires that they be awarded to LEAs or consortia by June 30.

The House recedes on consortia and the Senate recedes on the date.

32B. The House bill refers to this part while the Senate amendment refers to this title. In addition there are other drafting differences.

The Senate recedes on part and the rest is to be resolved by legislative counsel.

33. The House bill refers to "the Secretary shall, with respect to such excess amount, give priority to grants to local educational agencies that did not receive a grant under this part in the last fiscal year of the funding cycle prior to the fiscal year for which the determination is made"; the Senate amendment refers to "the Secretary shall give priority to using such amounts in excess of $75,000,000 to award grants to local educational agencies or consortia that did not receive a grant under this part in the preceding fiscal year."

The House recedes on the substance and other drafting differences are to be resolved by legislative counsel.

34. The Senate amendment, but not the House bill, delineates specific areas which the evaluation must address.

The House recedes.

35. The Senate amendment, but not the House bill, includes innovative programs involving strategies, other than magnet schools, such as community model schools.

The House recedes.

The Managers recognize that there exist numerous creative and innovative educational strategies worthy of the Secretary's support. Among them is the development of youth leadership training projects in urban areas that will recruit teen leaders, work with community-based organizations, institutions of higher education, local businesses, and local education agencies to develop integrated strategies which will allow youth from multicultural backgrounds to receive advanced skill and leadership training. The Managers also encourage the Department to support efforts that have achieved demonstrable success.

TITLE V—PART B—WOMEN'S EDUCATIONAL EQUITY ACT

1. The House bill includes the "Women's Educational Equity Act" under Part B. The Senate Amendment includes "Women's Educational Equity" under Part G.

Legislative counsel.

2. The Senate amendment, but not the House bill, refers to a Short Title: "Women's Educational Equity Act of 1994."

The House recedes.

3. The House bill refers to "Findings and Statement of Purpose"; the Senate amendment refers to "Short Title; Findings."

Legislative counsel.

4. The House bill refers to "(a) Findings—The Congress finds and declares that—"; the Senate amendment refers to "(b) Findings—The Congress finds that—".

The House recedes.

5. The House bill lists statements of declaration regarding gender equity pertaining to the frequency of inequitable programs, inequities limiting participation of individuals, and the assurance that women and girls have equal access to public education; the Senate amendment lists findings including progress women and girls have made in educational achievement, the increased availability of more curricula and training.

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The House recedes with an amendment to move the third finding to the Senate list of findings.

6. The Senate amendment, but not the House bill, lists significant gender inequities which still exist in teaching and learning practices (e.g. sexual harassment, girls receiving less attention from classroom teachers than boys, girls of color having less interaction with teachers than other girls, classroom textbooks insufficiently reflecting experiences of people of color and often are not written by women or persons of color, girls not taking as many mathematics and science courses as boys, fewer women role models in the sciences, women continuing to be concentrated in low-paying jobs that do not require mathematics and science skill's etc.)

The House recedes with amendments to replace the introduction to the Senate's third finding with "however, teaching and learning practices in the United States are frequently inequitable, as such practices relate to women and girls, for example."; to strike subparagraph (B); and to strike "and women continue to be concentrated in low-paying, traditionally female jobs that do not require mathematics and science skills." from subparagraph (D).

7. The Senate amendment, but not the House bill, in its Findings refers to "Federal support should address not only research and development of innovative model curricula and teaching and learning strategies to promote gender equity, but should, to the extent feasible, also help schools and local communities implement and institutionalize gender equitable practices."

The House recedes with an amendment to add House finding (3) and keep Senate (4) but strike "to the extent feasible" and "and institutionalize".

8. The Senate amendment, but not the House bill, in its Findings refers to "Federal assistance for gender equity must be tied to systemic reform, involve collaborative efforts to implement effective gender practices at the local level, and encourage parental participation."

The House recedes.

9. The Senate amendment, but not the House bill, in its Findings refers to "excellence in education, high educational achievements and standards, and the full participation of women and girls in American society cannot be achieved without educational equity for women and girls."

The House recedes.

10. The House bill refers to "(b) PURPOSE.—" and states the purpose in one sentence; the Senate amendment refers to "Statement of Purposes. It is the purpose of this part—" and lists identical purposes but in an itemized format.

The House recedes.

11. The House bill, but not the Senate amendment, under programs authorized, provides the Secretary with authority to carry out a list of activities including promoting, coordinating, and evaluating gender equity policies, programs, activities, and initiatives in all federal education program and offices, providing grants to develop model equity programs, providing funds for the implementation of equity programs in schools throughout the nation, and assisting the Assistant Secretary of OERI in identifying research priorities related to education equity for women and girls.

The Senate recedes.

12. The House bill refers to "Local Implementation Grants." The Senate amendment refers to "Programs Authorized".

The House recedes with an amendment changing "program" to "grants".

13. The House bill authorizes two types of grants: (a) Local Implementation Grants, (Section 5203); and (b) Research and Development Grants (Section 5204). The Senate amendment authorizes one set of grants with two broad purposes: (a) Implementation of Effective Policies and Practices (Section 8453(1); and (b) Research and Development (Section 8453(2). Please see item #29 for the latter.

The House recedes with an amendment changing "practices" to "programs".

14. The House bill refers to authorizing the Secretary to make grants to, and enter into contracts with, public agencies, private nonprofit agencies, organizations, and institutions including community groups; the Senate amendment adds cooperative agreements.

The House recedes.

15. The House bill, but not the Senate amendment, includes grants to student groups.

The Senate recedes with an amendment to include "individuals".

16. The House bill, but not the Senate amendment, refers to in the awarding of grants "for activities designed to achieve the purposes of this part at all levels of education including preschool, elementary and secondary education, higher education, adult education and vocational/technical education".

The House recedes.

17. The House bill, but not the Senate amendment, includes the establishment and operation of the grant for a period not to exceed four years.

The Senate recedes.

18. The House bill, but not the Senate amendment, specifies local programs to ensure educational equity for women and girls, equal opportunities for both sexes, and to conduct activities in compliance with title IX of the Education Amendments of 1972.

The House recedes.

19. The House bill and the Senate amendment both include some similar implementation activities—Title IX assistance, teacher training, evaluating model programs, and introduction of materials in classrooms.

The House bill, but not the Senate amendment, includes program activities to address sexual harassment and violence; guidance, counseling, and career education; nondiscriminatory tests and alternative assessments; and improved access of women to educational administration programs.

The Senate amendment, but not the House bill, includes school-to-work programs, assistance to pregnant students and students rearing children and leadership training.

The House recedes with an amendment to keep all of the Senate language and add the House's (4), (6), (7), (8), and (9); add a new (A) which reads "comprehensive institution or district-wide evaluation to assess the presence of absence of gender equity in education settings;"; and to strike the House (C).

20. The Senate amendment, but not the House bill, refers to "Application; participation.—" The Senate amendment refers to "Applications".

Legislative counsel.

21. The House bill, but not the Senate amendment, has a separate application process for each type of grant: (a) Local Implementation Grant, and (b) Research and Development. The Senate has only one application process.

The House recedes.

22. The Senate amendment, but not the House bill, refers to "or cooperative agreement may be entered into".

The House recedes.

23. The House bill refers to "Each such application shall"; the Senate amendment refers to "such as".

The Senate recedes.

24. The House bill includes several areas that must be included in the application: program or activity must be administered by or under the supervision of the applicant and in cooperation with appropriate education and community leaders, community-based organizations serving women, teachers, student organizations, business leaders, other significant groups and individuals, etc.; description of program for carrying out purpose in the grant program; description of plans for continuation and institutionalization of the program with local support following completion of the grant and termination of Federal support; and policies which ensure documentation and evaluation of the activities.

The Senate amendment lists examples of information which may be included in the application: setting forth policies that will ensure a comprehensive evaluation of the project as well as an evaluation of the continued significance of the work of the project following completion of the award period; a demonstration of how funds will promote the attainment of the national goals; addressing perception of gender roles based on cultural differences; describing how linked with the School to Work Opportunities Act, demonstrating how applicant will foster partnerships and share resources with a wide array of groups; and applications for projects under programs authorized demonstrating how parental involvement will be encouraged.

The House recedes with amendments to add "where appropriate" and "where applicable" in several places; to add "(including those serving women), parent, teacher and student groups, businesses," to the Senate list in (5); add "and strike institutionalization" in House (3) and add the House (3) to apply to implementation grants.

25. The House bill refers to "Criteria; Priorities; Categories of Competition; the Senate amendment refers to "Criteria and Priorities."

The House recedes.

26. The House bill refers to "The Secretary shall establish criteria, priorities, and categories of competition for awards under this part to ensure that available funds are used for those purposes

that most effectively will achieve the purposes of the Act"; the Senate amendment refers to "The Secretary shall establish separate criteria and priorities for awards under paragraphs (1) and (2) of section 8453 (program authorized) to ensure that available funds are used for programs that most effectively will achieve the purposes of this part".

The House recedes.

27. The House bill, but not the Senate amendment, lists criteria which must be addressed; the Secretary shall establish priorities, title IX must be a priority for compliance, and not more than 60% of funds in each fiscal year shall be allocated to program under the priority; and to the extent feasible, the Secretary shall establish three categories of competition: grants to local educational agencies, institutions of higher education, and to non-profit organizations.

The Senate recedes with an amendment to replace "shall address" with "may include" and strike the House's (2) and (3).

28. The House bill in its Special Rule section indicates that to the extent feasible, the Secretary shall ensure that the grants address all levels of education, all regions of the United States; and urban, rural, and suburban educational institutions; the Senate amendment indicates that the Secretary shall give special consideration to applicants that have not received assistance under this part or under Part C of title IX; for projects that will contribute significantly to directly improving teaching and learning practices in the local community; projects that will provide for a comprehensive approach, draw on a variety of resources, implement a strategy with a long-term impact and address issues of national significance that can be duplicated.

The Senate recedes with an amendment to take the House's (1), (2), and (3) and add them as criteria for grants; and to strike "including at least one grant in each of the ten Federal regions" in (2) and add the Senate's (1) and (3) as criteria for grants.

29. The House bill includes its Research and Development Grants program in a separate section. The Senate amendment includes its research and development grants in its Program Authorized section.

The House recedes with an amendment to strike "National Institute on the Education of At-Risk Students" and insert "with each of the research institutes in OERI".

30. The House bill and the Senate amendment include similar activities although written differently.

The House recedes with an amendment to add "of innovative strategies and model training program for teachers and other education personnel" and strike "designed to advance gender equity, including the development of innovative strategies to improve teaching and learning practices"; strike the Senate (E), and (G); add the House's (3), (5) (6), and (7); and change (7) to read: the development of instruments and strategies for evaluation dissemination, and replication of promising or exemplary programs designed to assist LEAs to integrate gender equity into their educational policies and practices.

31. The House bill, but not the Senate amendment, specifies a separate application process for research and development grants.

The House bill requires certain kinds of administration. The Senate amendment provides examples of information the application may contain (see item #30).

The House recedes.

32. The bill, but not the Senate amendment, requires a separate Criteria and Priorities section for research and development purposes (see Senate's Criteria in item #26).

The House recedes.

33. The House bill, but not the Senate amendment, requires that the criteria and priorities be promulgated in accordance with section 431 of the General Education Provisions Act.

The House recedes.

34. The House bill, but not the Senate amendment, requires that in establishing priorities, one shall be programs which address the educational needs of women and girls who suffer multiple or compound discrimination.

The Senate recedes with an amendment to place a revised House (3) in the criteria and priorities section.

35. The House bill, but not the Senate amendment, includes a separate Special Rule for the research and development program. This Special Rule differs from the Special Rule in the Implementation Grants section. Please see note #28.

The House recedes.

36. The House bill, but not the Senate Amendment, includes a Coordination provision which indicates that research activities must be carried out in consultation with OERI and may include collaborative research activities which are jointly funded and carried out by the Office of Women's Equity and the Office of Educational Research and Improvement.

The Senate recedes with an amendment striking "by the Office of Women's Equity and the" and add "with the" before OERI.

37. The House bill includes two different authorizations for appropriations: (a) for Section 5203, $3,000,000 is authorized for fiscal year 1995 and such sums as necessary for each of the fiscal years through 1999, and (b) for Section 5204, $2,000,000 is authorized for fiscal year 1995 and such sums as may be necessary for each of the fiscal years through 1999. The Senate amendment authorizes to be appropriated $5,000,000 for fiscal year 1995 and such sums as may be necessary for each of the fiscal years through 1999 of which not less than two-thirds of the amount appropriated must be available to carry out section 8453(1).

The House recedes.

38. The Senate amendment, but not the House bill, requires a report to be submitted to the President and the Congress on the status of educational equity for girls and women by January 1, 1999.

The House recedes.

39. The Senate amendment, but not the House bill, requires an evaluation by the Secretary in accordance with section 10701; a dissemination of materials and programs developed; and requires a report to Congress regarding such evaluation materials and program by January 1, 1998.

The House recedes.

40. The Senate amendment, but not the House bill, authorizes the Secretary to use funds appropriated under section 8458 to gather and disseminate information on gender equity and to convene meetings for this purpose, if necessary.

The Senate recedes.

41. The Senate amendment, but not the House bill, requires The Secretary to ensure that gender equity programs are administered within the Department by one who has recognized professional qualifications and experience in the field of gender equity and who will serve as a focal point of national leadership and information.

The House recedes with an amendment placing a period after "gender equity education" and striking the rest of the sentence.

TITLE VI—INNOVATIVE EDUCATION PROGRAM STRATEGIES

The House bill uses the title "Innovative Education Program Strategies" for this part while the Senate amendment uses the title "Targeted Assistance Program" for this title. The Senate recedes.

Findings and Statement of Purpose

The House bill, but not the Senate amendment, includes findings regarding the success of Chapter 2, the statement of purpose, and outlines state and local responsibility in administering the program. The Senate recedes with an amendment to strike "that can be supported by State and local sources of funding after such programs are demonstrated to be effective" and to replace "and support for library services" with "including support for library services" adding "media" before "materials" and striking "including media materials and".

Authorization of Appropriations

The House bill authorizes $435 million to be appropriated in fiscal year 1995 and such sums as may be necessary through 1999. The Senate amendment authorizes $325 million to be appropriated in fiscal year 1995 and such sums as may be necessary through 1999.

The House bill, but not the Senate amendment, stipulates that during fiscal years 1995 through 1999 the Secretary shall make payments to the State educational agencies for the purpose of this section. The Senate recedes.

Definition

The House bill, but not the Senate amendment, defines "effective schools programs." The Senate recedes with an amendment changing "deprived" to "disadvantaged."

The Senate amendment, but not the House bill, includes the Republic of the Marshall Islands and the Federated States of Micronesia in the set-aside for the outlying areas. The Senate recedes with an amendment replacing the list of outlying areas with the term "outlying areas."

The Senate amendment, but not the House bill, includes "for assistance under this title" at the end of subsection (a). The Senate recedes.

Allocation to Local Educational Agencies

The House bill requires that the State educational agency shall direct no less than 85% of funds to local educational agencies to carry out the purposes of this part, while the Senate amendment requires 80% for the same purpose. The Senate recedes.

State Uses of Funds

The House bill allows funds to be used for "statewide education reform activities including effective schools programs," while the Senate amendment refers only to "statewide activities." The Senate recedes.

State Applications

The House bill requires State applications to provide for an annual submission of data on the use of funds, types of services furnished and students served under this section while the Senate amendment requires a biennial submission of such data. The House recedes.

The House bill requires State applications to provide for a program evaluation in fiscal year 1998, while the Senate amendment does not specify when the evaluation must occur. The Senate recedes.

The House bill requires the State applications to set forth the allocation of funds required to implement section 2452, the Senate amendment requires the State applications to set forth the allocation of such funds required to implement section 13203, and to describe the programs, projects, and activities that will carry out targeted assistance and the reason for their selection. The Senate recedes.

The Senate amendment, but not the House bill, provides for "timely public notice and public dissemination of information provided pursuant to paragraph (2)." The House recedes.

The Senate amendment, but not the House bill, requires that an application to the secretary for grants detail: "how the State will adjust its formula to comply with section 13102, how children under section 13102 are defined, the basis on which a determination of the local educational agencies under section 13102 is made, and the percentage of the State grant which is proposed to be allotted on an adjusted basis under section 13102." The Senate recedes.

Targeted Use of Funds

The Senate recedes with an amendment to the subpart title to read "Local Innovative Education Programs."

The House bill contains a list of what kinds of targeted assistance programs referred to in this subsection "include." The Senate amendment contains a list of what the targeted assistance programs "are." The Senate recedes.

The House bill, but not the Senate amendment, includes as a use of funds technology to further reform, as well as training to help teachers and school officials learn how to use new equipment and software effectively. The Senate recedes.

The House bill specifies that funds may be used for "instructional and educational materials" while the Senate amendment allows "programs for the acquisition and use of instructional and educational materials." The Senate recedes.

The House bill allows funds to be used for "assessments," the Senate amendment does not. The Senate recedes.

The House bill allows funds to be used for "library services and materials (including media materials) tied to high academic standards and which are part of an overall education reform program." The Senate amendment states that educational materials include "library books, reference materials, computer software and hardware for instructional use, and other curricular materials that will be used to improve student achievement." The House recedes with an amendment to add at the end of the sentence "and which are part of an overall education program."

The House bill, but not the Senate amendment, allows funds to be used for promising education reform projects, including effective schools and 21st Century Learning Center projects. The Senate recedes with an amendment to add magnet schools and strike 21st Century Learning Centers, moving that program to Title X.

The House bill specifies that computer hardware and software purchased under this section should only be used for instructional purposes, the Senate amendment includes the same limitation in 13301(b)(1). The House recedes.

The Senate amendment, but not the House bill, allows funds to be used for programs to improve higher order thinking skills of economically disadvantaged students and to prevent students from dropping out. The House recedes with an amendment striking "economically" before "disadvantaged."

The Senate amendment, but not the House bill, allows funds to be used to combat student/parent/adult illiteracy. The House recedes.

The Senate amendment, but not the House bill, allows funds to be used to provide for the educational needs of gifted and talented children. The House recedes.

The Senate amendment, but not the House bill, allows funds to be used for school facility repair, renovation, improvement and construction. The Senate recedes.

The Senate amendment, but not the House bill, allows funds to be used for school reform consistent with the Goals 2000:Educate America Act for LEAs not receiving money under that Act. The House recedes with an amendment striking "for local educational agencies that do not receive assistance under that Act."

The Senate amendment, but not the House bill, allows funds to be used for school improvement programs under sections 1118 and 1119. The House recedes.

Administrative Authority/Authorized Activities

The Senate amendment, but not the House bill, states that activities authorized under this part may include the planning, development, or operation and expansion of programs which may include: training of educational personnel in any of the targeted assistance programs detailed in 13301; guidance and pupil services; and any other education or related activities which the SEA or

LEA determines will contribute to improving the programs described in section 13301. The Senate recedes.

Local Applications

The House bill states that State educational agencies may approve a local educational agency application if it carries out targeted assistance "it intends to support" and the Senate amendment refers to targeted assistance the State educational agency "intends to support." The House recedes with an amendment changing "State" to "local."

The House bill, but not the Senate amendment, requires a certified State educational agency application to "set forth the allocation of such funds required to implement section 2452." The Senate recedes with an amendment changing the section reference to "2442."

The House bill, but not the Senate amendment, requires a state educational agency application to show how such assistance will contribute to the "National Education Goals." The Senate recedes.

The House bill, but not the Senate amendment, provides assurances of compliance with this part, including participation of children enrolled in private, nonprofit schools in accordance with section 2452. The Senate recedes.

The House bill and the Senate amendment have identical provisions except the House bill uses the word "concession" and the Senate amendment uses "consistent." The House recedes.

The House bill and Senate amendment allow LEA applications to be filed for 3 year periods, but the House bill states that the application may provide for the allocation of funds "to programs" and the Senate amendment states "among programs and purposes authorized by this title." The Senate recedes.

Maintenance of Effort; Federal Funds Supplementary

The House bill, but not the Senate amendment, requires a maintenance of effort and requires federal funds to be supplementary. The Senate recedes with an amendment to replace this section with language that states that a State shall comply with maintenance of effort and federal supplementary provisions in title XIV (General Provisions).

Participation of Children Enrolled in Private Schools

The House bill, but not the Senate amendment, includes provisions on the participation of children in private schools. The Senate recedes.

Evaluations and Reporting

The House bill, but not the Senate amendment, outlines how LEAs must report to SEAs, how SEAs shall evaluate the effectiveness of State and local programs until this part in accordance with section 2423, and how the evaluation will be reviewed by a State advisory committee and will be made available to the public. In addition, the Secretary shall develop a system which SEAs may use for data collection and reporting under this part. The Senate recedes.

Federal Administration

The House bill, but not the Senate amendment, states that the Secretary shall provide technical assistance to State and local agencies, shall issue regulations only to the extent needed, and that funds appropriated for this part shall be available for obligation on July 1 of such fiscal year.

Open.

Application of General Education Provisions Act

The House bill, but not the Senate amendment, states that, except as specified in the subsection, GEPA shall apply to the programs authorized by this part. The House recedes.

21st Century Community Learning Centers (To be placed in Title X)

The Senate amendment, but not the House bill, provides that the short title is "21st Century Community Learning Centers Act." The House recedes.

In finding (1) the House bill refers to "resources;" the Senate amendment refers to "services." The Senate recedes.

In finding (2), the Senate amendment, but not the House bill, refers to meeting the needs "of" and expanding the opportunities available "to" residents of communities being served by such schools. The House recedes.

The Senate amendment, but not the House bill, contains a finding relating to lifelong learning. The House recedes.

The Senate amendment, but not the House bill, contains a finding concerning education strategies that address the educational needs of all members of local communities. The Senate recedes.

Program Authorization and Distribution

The Senate amendment, but not the House bill, includes "and distribution" in the section heading. The House recedes.

The House bill refers to grants to schools; the Senate amendment refers to grant to "public elementary or secondary schools . . . to enable such schools or consortia." The House recedes.

The House bill provides for a minimum grant of $50,000; the Senate amendment provides a minimum grant of $20,000. The House recedes with an amendment and change the minimum grant amount to $35,000.

The House bill provides that "to be eligible to receive funds under this section" that schools or consortia "thereof" shall submit an application to the Secretary of Education; the Senate amendment provides that to be eligible to receive a "grant, an elementary or secondary school or consortium" shall submit an application. The House recedes.

The House bill provides that the plan include a plan that enables such school to serve as the center for the delivery of education and human resources; the Senate amendment provides that the plan enable such school "or consortia" to serve as a center for the delivery of human "services." The Senate recedes.

The House bill, but not the Senate amendment, emphasizes interactive telecommunication among the services the school will deliver. The Senate recedes.

The Senate amendment, but not the House bill, includes consortia along with schools as service providers. The House recedes.

The House bill lists "the establishment" of certain facility utilization policies as a need to be addressed by programs in the application while the Senate requires an "assurance" of the establishment of such a policy in the application. The House recedes.

The House bill, but not the Senate amendment, discusses schools as "centers for lifelong learning." The House recedes.

The House bill, but not the Senate amendment, discusses the centers relationship to the community." The Senate recedes with an amendment to move this paragraph to end of findings.

The House bill, but not the Senate amendment, states that priority will go to applications "that address the need of the community. The Senate recedes.

The House bill states "in conjunction with recreation programs" while the Senate amendment states "that are coordinated with summer recreation programs." The Senate recedes.

The House bill includes among the allowable activities "nutrition, health, and/or physical therapy" while the Senate amendment includes "nutrition programs" among the allowable activities. The House recedes with an amendment to include "and health."

The House bill refers to "students" while the Senate amendment refers to "individuals." The House recedes with an amendment to strike "who are either physically or mentally challenged and add "with disabilities."

The House bill states "In approving grants under this section," while the Senate amendment states "in awarding grants under this part." The House recedes.

The House bill, but not the Senate amendment, defines "Secretary." The House recedes with an amendment adding "institutions of higher education."

The House bill authorizes $25 million, while the Senate amendment authorizes $20 million, for this program for FY 95 and such sums as may be necessary for succeeding four years. The House recedes.

TITLE X—SMALL BUT SIGNIFICANT PROGRAMS

The House bill cites this title as "Title III—Expanding Opportunities For Learning". The Senate amendment cites this title as "Title VIII—Programs of National Significance." The House recedes.

FUND FOR THE IMPROVEMENT OF EDUCATION

Authorization

In paragraph (a), the House bill refers to "challenging standards." The Senate amendment refers to "challenging State content standards and challenging State student performance standards." The House recedes.

Uses of Funds

The House bill, but not the Senate amendment, permits research and development on content and performance standards and opportunity-to-learn standards. The Senate recedes with an amendment, inserting "or strategies" after "standards."

In paragraph (A)(i), the Senate amendment provides for the elimination of grouping practices and the development of programs that place all students on a college preparatory path of study. The House does not. The House recedes with an amendment, striking all language beginning with "and" after "practices" in paragraph (i).

In paragraph (A)(ii), the Senate amendment provides for the development and evaluation of programs with strong parental involvement. The House does not. The House recedes.

In paragraph (A)(iii), the Senate amendment provides for the development and evaluation of strategies for integrating instruction and assessment. The House does not. The House recedes.

In paragraph (A)(iv), the Senate amendment provides for the development and evaluation of strategies for supporting professional development for teachers, counselors, and administrators. The House recedes with an amendment, inserting "pupil services personnel, including" before "guidance counselors."

The House bill refers to "public school choice in accordance with the requirements of part C." The Senate amendment refers to "public school choice." The Senate recedes.

The Senate amendment refers to "Federal agencies, such as the National Science Foundation,the Department of Health and Human Services, and the Department of Labor, and with institutions of higher learning to assist the effort to achieve the National Education Goals". The House bill refers to "agencies to assist the effort to achieve the National Education Goals." The Senate recedes.

The Senate amendment refers to "activities to promote and evaluate coordinated pupil service programs". The House bill has no such provision. The House recedes.

The House bill refers to "(G) activities to promote consumer, economic, and personal finance education". The Senate amendment refers to "(K) activities to promote consumer education, such as saving, investing, and entrepreneurial education." The Senate recedes with an amendment, adding "such as saving, investing, and entrepreneurial education;" after "education;".

The Senate amendment refers to "activities to promote metric education". The House bill has no such provision. The House recedes.

The House bill refers to "the identification and recognition of exemplary schools and programs, such as Blue Ribbon Schools". The Senate amendment has no such provision. The Senate recedes.

The House bill refers to programs to reduce student mobility. The Senate amendment has no such provision. The Senate recedes.

The House bill refers to public-private partnerships which would permit students to bring computers home. The Senate amendment has no such provision. The Senate recedes.

The House bill has no parallel provisions to Senate amendment items: "(M)", "(N)", "(O)". "(P)", "(R)", "(T)." The House recedes with an amendment striking paragraphs "(N)" and "(T)" and modifying "(R)" to read as follows: "demonstrations relating to the planning and evaluation of the effectiveness of projects under which LEAs or schools contract with private management organizations to reform a school or schools."

In paragraph (2)(A), (B) and (C), the House bill provides for the establishment, content, and mission of the National Center for Second Language Development.

The Senate amendment has no such provisions. The House recedes.

Awards

Authorization

1. The House bill refers to "fiscal year 1996, 1997, 1998, and 1999." The Senate amendment refers to "4 succeeding fiscal years." The House recedes with an amendment authorizing FIE at $50,000,000.

GIFTED AND TALENTED STUDENTS

Findings

The House bill refers to the standards as "high"; the Senate amendment describes standards as "challenging State content standards and challenging State student performance standards." The House recedes.

The Senate amendment, but not the House bill, notes the experience gained should be used as a basis to "provide all students with important and challenging subject matter to study and encourage the habits of hard work." The House recedes

Definitions

The House bill, but not the Senate amendment, defines gifted and talented students as youth exhibiting a high performance capability and require services or activities not ordinarily provided by the school in order to fully develop their capabilities. The House recedes.

Construction

The Senate amendment, but not the House bill, clarifies that a "recipient of funds under this part" will not be precluded from "serving gifted students simultaneously with students with similar educational needs, in the same educational settings." The House recedes.

Establishment of Program

Uses of Funds

The Senate amendment, but not the House bill, refers to parents involved in gifted and talented programs. The House recedes.

The Senate amendment, but not the House bill, includes the implementation of innovative strategies, such as cooperative learning, peer tutoring and service learning as programs using funding. The House recedes.

Establishment of National Center

Limitation

The House bill states a limitation of not more than 30 percent of available funds in a fiscal year for a program authorized by this section to carry out activities pursuant to subsections (b)(5) or (c). The Senate amendment limits programs authorized by this section and its activities pursuant to subsection (b)(7) or (c) to not more than $1,750,000. The Senate recedes.

General Priority

The House bill, but not the Senate amendment includes "such as mentoring and apprenticeship program." The Senate recedes.

Review, Dissemination, and Evaluation

The House bill refers to "results of projects". The Senate amendment refers to "results of programs and projects." The House recedes.

The Senate amendment states that the programs shall be evaluated under this part in accordance with section 10701. The House bill states the programs will be evaluated under this part. The House recedes.

Administration

The House bill states specific duties of the administrative unit. The Senate amendment simply states that this administrative unit shall serve as a "focal point of national leadership and information on mechanisms to carry out the purpose of this part." The Senate recedes with an amendment, moving the Senate language regarding a person in the Department to administer these programs, "The Secretary . . . who shall", replacing the House language "The Secretary shall . . .", keeping the House's list of duties.

Authorization of Appropriations

The House bill authorizes appropriations of $10,000,000 for fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996, 1997, 1998, and 1999. The Senate amendment authorizes appropriations of $20,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years. The Senate recedes.

The Senate amendment includes a trigger for appropriations, the House bill does not. The Senate recedes.

PUBLIC CHARTER SCHOOLS

The conferees intend that public entities authorized under state law have some relation to education and be capable of carrying out oversight, fiduciary and other administrative requirements related carry out such a grant.

Purpose

The House bill refers to "SEC. 3401. PURPOSE." The Senate amendment refers to "SEC. 8201. FINDINGS AND PURPOSE." The House recedes.

The House bill refers to "those schools on improving student achievement". The Senate amendment refers to "such schools." The House recedes with an amendment inserting "student achievement," after "students."

Findings

The Senate amendment, but not the House bill, presents findings on charter schools. The House recedes with amendments striking "new schools developed through such process should be free to test" at the beginning of paragraph (3) and in inserting "Charter Schools are a mechanism for testing"; and inserting "educationally disadvantaged" before "students" the first time it appears.

Program Authorized

The Senate amendment, but not the House bill, specifies that applications be approved pursuant to section 8203 and in accordance with this part. The House recedes.

The Senate amendment refers to "(b) SPECIAL RULE.—". The House has no such provision. The House recedes.

Project Periods

The Senate amendment, but not the House bill, creates two subparts: "GRANTS TO STATES" and "GRANTS TO ELIGIBLE APPLICANTS." The House recedes.

Limitation

The Senate amendment, but not the House bill, refers to "and State educational agencies shall not award more than one subgrant under this part." The House recedes.

Applications

The House bill heading reads in part "APPLICATIONS REQUIRED". The Senate amendment reads in part "APPLICATIONS FROM STATE AGENCIES." The House recedes.

The House bill and Senate amendment use different language to convey the same provision. However, the Senate amendment, but not the House bill, refers to "and containing or accompanied by such information as the Secretary may require." The House recedes.

The House bill, but not the Senate amendment, refers to "(b) SCOPE OF APPLICATION". The House recedes.

The House bill refers to "(c) APPLICATION CONTENTS.—Each such application shall include, for each charter school for which assistance is sought—". The Senate amendment refers to "(b) CONTENTS OF A STATE EDUCATIONAL AGENCY.—Each application submitted pursuant to subsection (a) shall—". The House recedes.

In paragraph (b)(1), the Senate amendment, but not the House bill, provides that applicants describe which objectives are to be fulfilled and how they will be accomplished. The House recedes.

In paragraph (3), the Senate amendment, but not the House bill, establishes that agencies desiring to be awarded a subgrant submit an application. The House recedes.

The House bill refers to "the local educational agency that will authorize or approve the school's charter and act as the grantee under this act". The Senate amendment refers to "the authorized public chartering agency." The House recedes.

The House bill refers to "local educational agency" and "the school is successful". The Senate amendment refers to "authorized public chartering agency" and "the school has met the objectives described in subparagraph (C)(i)." The House recedes.

The House bill, but not the Senate amendment, refers to "a description of any State or local rules, generally applicable to public schools, that will be waived for, or otherwise not apply to, the school." The Senate recedes.

The Senate amendment, but not the House bill, refers to "subgrant funds or grant funds, as appropriate, will be used, including a description of how such funds will be used in conjunction with other Federal programs administered by the Secretary." The House recedes.

The Senate amendment, but not the House bill, refers to "and the State educational agency." The House recedes.

The Senate amendment refers to "and the State educational agency in evaluating the program assisted under this part". The House bill refers to "in evaluating the program authorized by this part." The House recedes.

The Senate amendment, but not the House bill, refers to "and the State educational agency." The House recedes with an amendment inserting "Consistent with Section 8202(b)" before "Each".

The House bill heading in part reads "STATE EDUCATIONAL AGENCY APPROVAL REQUIRED.—" The Senate amendment reads "APPLICATIONS FROM ELIGIBLE APPLICANTS." The House recedes with an amendment striking "Eligible Agency."

The Senate Amendment, but not the House bill, details content to be included in applications and the process by which an application shall be submitted. The House recedes with an amendment striking "sentence" and inserting "subsection."

Administration

The Senate amendment, but not the House bill, provides for the administration of the selection of applicants.

The House recedes with an amendment inserting "assisting educationally disadvantaged and other students" after "make to."

Selection of Grantees; Waivers

The House bill refers to "(a) CRITERIA.—The Secretary shall select" The Senate amendment refers to "(b) SELECTION CRITERIA FOR ELIGIBLE APPLICANTS.—The Secretary shall award" and includes "submitted under section 8203, after." The House recedes.

The Senate amendment refers to "State educational agency" and "charter school". The House bill refers to "State" and "school." The House recedes.

The House bill refers to "the plan". The Senate amendment refers to "the process." The House recedes with an amendment changing "process" to "strategy."

The House bill refers to "school". The Senate amendment refers to "charter school." The House recedes.

Peer Review

The Senate heading reads in part "(c)." The House reads "(b)." The House recedes.

The Senate amendment refers to "assistance under this part". The House bill refers to "grants under this section." The House recedes.

Diversity of Projects

The Senate amendment, but not the House bill, refers to "such as approaches designed to reduce school size." The House recedes.

Waivers

The Senate heading reads in part "(e)." The House reads "(d)." The House recedes.

Uses of Funds

The House bill and Senate amendment headings differ throughout this section. The House recedes.

Allowable Activities

The House bill refers to "(B) acquiring necessary equipment". The Senate amendment refers to "(ii) acquiring necessary equipment and educational materials and supplies." The House recedes.

The Senate amendment, but not the House bill, permits minor remodeling. The House recedes.

The Senate, but not the House, includes "ADMINISTRATIVE EXPENSES" and "REVOLVING LOAN FUNDS." The Senate recedes.

National Activities

The House bill refers to "up to 10 percent of the funds appropriated for this part". The Senate amendment refers to "not more than 10 percent of the funds available to carry out this part." The House recedes.

The Senate amendment, but not the House bill, lists other activities assisted under this part. The Senate recedes.

Definitions

The House bill, but not the Senate amendment, refers to "the following terms have the following means." The House recedes with amendment striking "(C)."

In paragraph (B), the Senate amendment includes "and is operated under public supervision and direction." The House recedes.

In paragraph (C), the House bill refers to "local educational agency applying for a grant on behalf of the school". The Senate amendment refers to "the authorized public chartering agency." The House recedes.

In paragraph (I), the House refers to "public schools". The Senate refers to "schools." The House recedes.

The House, but not the Senate, refers to "(K)." The Senate recedes.

The House bill and Senate amendment use different language to convey the same provision in "(3)." The Senate recedes.

The Senate, but not the House, defines "authorized public chartering agency." The House recedes.

Authorization of Appropriations

2. The House bill refers to "the fiscal years 1996, 1997, 1998, and 1999." The Senate amendment refers to "the 4 succeeding fiscal years." The House recedes with an amendment inserting "and approved by the Secretary" after "state law."

ARTS IN EDUCATION

Findings

The Senate amendment but not the House bill finds that participation in performing arts activities has proven to be an effective strategy for promoting the inclusion of persons with disabilities in mainstream settings. The House recedes.

The Senate amendment but not the House bill finds that opportunities in the arts have enabled persons of all ages with disabilities to participate more fully in school and community activities. The House recedes.

4. The House bill, but not the Senate amendment, finds that the arts can motivate at-risk students to stay in school and become active participants in the educational process.

The Senate recedes.

Purpose

The House bill states that a purpose of the bill is to help ensure that all students have the opportunity to learn challenging standards in the arts. The Senate bill refers to State content standards and State student performance standards. The House recedes.

Eligible Recipients

The Senate amendment, but not the House bill, includes museums and other cultural institutions as eligible recipients. The House recedes.

Authorized Activities

The Senate amendment, but not the House bill, includes as an authorized activity supporting collaborative activities with Very Special Arts. The House recedes.

The House bill states that authorized activities include supporting model projects and programs in the arts for individuals with disabilities through arrangements with the organization, Very Special Arts. The Senate amendment states that authorized activities include supported model projects and programs developed by Very Special Arts which assure the participation in mainstream settings in arts and education programs of persons of all ages with disabilities. The House recedes with an amendment, striking "developed" and "of all ages" in paragraph (8).

Coordination

The Senate amendment, but not the House bill, include. Very Special Arts. Technical difference. The House recedes.

The Senate amendment, not the House bill, states that if the amount appropriated for any fiscal year is $9 million or less, such amount shall only be available to support model projects and programs developed by Very Special Arts which assure the participation in mainstream settings in arts and education programs of persons of all ages with disabilities and such projects and programs in the performing arts for children and youth through arrangements made with the John F. Kennedy Center for the Performing Arts. The House recedes.

INEXPENSIVE BOOK DISTRIBUTION PROGRAM

Authorization

The Senate amendment, but not the House bill, refers to (RIF). The House recedes.

Requirements of Contract

The House bill refers to "children up through high school age, including those in family literacy programs." The Senate amendment refers to "children from birth through secondary school age." The House recedes with an amendment, adding "including those in family literacy programs" after "secondary school age."

The House bill, but not the Senate amendment, refers to children with disabilities "including those with serious emotional disturbance." The House recedes.

Definition of Federal Share

The Senate amendment, but not the House bill, refers to 100 percent "of such costs to the subcontractor." The House recedes.

The House bill states that the federal share "shall not exceed 75 percent." The Senate amendment states that the federal share shall be 75 percent. The House recedes.

The House bill authorizes $10.3 million for Fiscal Year 1995 and such sums for 1996, 1997, 1998 and 1999. The Senate amendment authorizes $11 million for Fiscal 1995 and such sums for each of the four succeeding fiscal years. The Senate recedes.

CIVIC EDUCATION

General Authority

The House bill says the Secretary "shall." The Senate amendment says the Secretary "is authorized." The House recedes.

Contract or Grant Authorized

The House bill refers to "the program required by paragraph (1). The Senate amendment refers to "the program described in paragraph (1). The House recedes.

Special Rule

The House bill refers to "advanced training of teachers in civics and government." The Senate amendment refers to "advanced training of teachers about the United States Constitution and the political system the United States created." The House recedes.

The Senate amendment, but not the House bill, refers to a course of instruction in the middle school level. The House recedes.

Program Established

The House bill says the Secretary "shall." The Senate amendment says the Secretary "is authorized." The House recedes.

The House bill refers to "challenging content standards." The Senate amendment refers to "challenging State content standards and challenging State student performance standards." The House recedes.

Authorized Activities

The House bill refers to "our system of government." The Senate amendment refers to "our Nation's system of government." The House recedes.

The Senate amendment, but not the House bill, refers to "respect for cultural diversity and acceptance of cultural differences." The House recedes.

Report

The Senate amendment, but not the House bill, refers to section 10701. The Senate recedes.

Authorization of Appropriations

The House bill authorizes $15 million for Fiscal 1995 and such sums for 1996, 1997, 1998, and 1999. The Senate amendment authorizes $20 million for Fiscal 1997 and such sums for each of the succeeding four fiscal years. The Senate recedes.

The House bill allocates 40% for section 3701 and 60% for section 3702. The Senate amendment allocates 50% for section 8251 and 50% for section 8552. The Senate recedes.

Native Hawaiian Education

Findings

The Senate amendment, but not the House bill, notes the decline in the Native Hawaiian population from 1778 to 1921. The House recedes.

The House bill, but not the Senate amendment, refers to the Act of June 20, 1938, where the U.S. Congress acknowledged the unique status of the Hawaiian people. The Senate recedes.

The House bill, but not the Senate amendment, refers to the U.S. establishing educational programs to benefit Native Hawaiians. The Senate recedes.

The House bill refers to "the Native American Programs Act of 1992, as amended" and the "National Historic Act Amendments of 1992". The Senate amendment refers to "the National Museum of the American Indian Act", "National Historic Preservation Act", and the "Native American Languages Act." The House recedes with an amendment to combine the House and Senate provisions.

The House bill lists the special provisions the U.S. Congress has passed recognizing the trust relationship between the U.S. and the Native Hawaiian people. The Senate amendment simply states "numerous special provisions of law for the benefit of Native Hawaiians in the areas of health, education, labor, and housing. The House recedes.

The House bill, but not the Senate amendment, recognizes that a lower educational attainment among Native Hawaiians has been related to lower socioeconomic outcomes. The House recedes.

The House bill, but not the Senate amendment, indicates that Native Hawaiian students are disproportionately under-represented in Institutions of Higher Education. The House recedes.

The House bill, but not the Senate amendment, states that Native Hawaiians are under-represented in traditional white collar and health care professions, while being over-represented in service occupations. The House recedes.

The Senate amendment, but not the House bill, refers to the 1988 enactment of title IV of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988. The House recedes.

The House bill and the Senate amendment, in similar, yet not identical, language refer to Native Hawaiian children's educational risk factors. The House recedes.

The House bill, but not the Senate amendment, states "special efforts in education recognizing the unique cultural and historical circumstances of Native Hawaiians are required." The House recedes.

The Senate amendment, but not the House bill, refers to the under-representation of Native Hawaiians in institutions of higher education and among adults who have completed four or more years of college. The House recedes.

The Senate amendment, but not the House bill, refers to high retainment and absenteeism rates among Native Hawaiian students. The House recedes.

The Senate amendment, but not the House bill, states that Native Hawaiian students are the highest drug and alcohol users. The House recedes with amendment, adding "in the State of Hawaii" after "alcohol" in paragraph (ii).

The Senate amendment, but not the House bill, states that Native Hawaiian children continue to be disproportionately victimized by child abuse and neglect. The House recedes.

The Senate amendment, but not the House bill, refers to the 23% of the students served by the State of Hawaii's Department of Education and their residence in rural, isolated areas. The House recedes.

The Senate amendment, but not the House bill, refers to contradictions between findings listed in paragraphs (1) through (15) and the high rate of literacy and integration of traditional culture and Western education achieved by Native Hawaiians through a Hawaiian language-based public school system. The House recedes.

The Senate amendment, but not the House bill, refers to the "Native Hawaiian Educational Assessment Project" released in 1983 by the Office of Education to Congress and its findings. The House recedes.

The Senate amendment, but not the House bill, notes that the Kamehameha Schools Bishop Estate released a ten-year update of the Native Hawaiian Educational Assessment Project. The House recedes.

The Senate amendment, but not the House bill, mentions the banning of Hawaiian medium schools. The House recedes.

The Senate amendment, but not the House bill, refers to the Native Hawaiians' determination to "preserve, develop, and transmit to future generations their ancestral territory." The House recedes.

The Senate amendment, but not the House bill, refers to the distinct land rights of the Native Hawaiian people. The Senate recedes.

The Senate amendment, but not the House bill, mentions the distinct land rights of Native Hawaiians and their unique religious customs and beliefs. The House recedes.

The Senate amendment, but not the House bill, recognizes the traditional language of the Native Hawaiian people as an official language of the State of Hawaii. The House recedes.

Purpose

The House bill states educational programs are to "assist" Native Hawaiians in "reaching the National Educational Goals". The Senate amendment simply states educational programs are to "benefit" Native Hawaiians. The Senate recedes.

The Senate amendment, but not the House bill, refers to the establishment of a Native Hawaiian Education Council and five island councils. The House recedes.

The House bill states the purpose of this part includes the "encouragement of maximum participation of Native Hawaiians in planning and management of Native Hawaiian Education Programs." The Senate amendment refers to this concept in the findings. The Senate recedes.

Establishment

Both the House bill and the Senate amendment provide for a Native Hawaiian Education Council. The Senate amendment, but not the House bill, includes the provision for island councils. The House recedes.

Composition

The Senate amendment, but not the House bill, states the Educational Council shall consist of not more than 25 members. The House recedes.

The House bill, but not the Senate amendment, states the composition of the council shall consist of, "but not be limited to", "representatives of each of the programs which receive Federal funding under this part"; "a representative from the Office of the Governor"; "a representative from the Office of Hawaiian Affairs"; "representatives of other Native Hawaiian Educational organizations and Native Hawaiian organizations which receive Federal or state education funds"; and "parent, student, educator and community organizations." The House recedes.

The Senate amendment, but not the House bill, includes in its member list, "each recipient of funds from the Secretary under this part"; a representative from the Office of Hawaiian Affairs, Department of Education in Hawaii, and specifically mentioned educational organizations. The House recedes.

The Senate amendment, but not the House bill, states a representative will serve on the council from "each Native Hawaiian

education island council established under subsection (f)." The House recedes.

Conditions and Terms

The House bill indicates that at least half of the members shall be Native Hawaiians. The Senate amendment states that at least three-fourths of the members shall be Native Hawaiians. The House recedes.

The House bill states that members of the Education Council will serve for five-year terms. The Senate amendment states members will be appointed for three-year terms. The House recedes.

Duties and Responsibilities

The House bill and the Senate amendment state the Education Council will provide information to Congress. The Senate amendment, but not the House bill, specifically states particular entities to which the reports will be delivered. The House recedes.

The House bill, but not the Senate amendment, states that the Secretary shall, whenever practicable, consult with the Council before taking any significant action related to the education of Native Hawaiians. The House recedes.

The Senate amendment, but not the House bill, refers to island councils and the support the Education Council will provide these councils. The House recedes.

Administrative Provisions

The House bill, but not the Senate amendment, makes a statement that the Council will meet at the call of the Chair, or upon the request of the majority of the Council. The Senate recedes.

The Senate amendment, but not the House bill, outlines the purpose of the administrative grant for the Education Council. The House recedes.

Compensation

The House bill, but not the Senate amendment, requires that compensation for service will not be given to any member of the Native Hawaiian Council. The Senate recedes.

Report to Congress

The House bill, but not the Senate amendment mandates a report to Congress not later than 4 years after the date of enactment of the Improving America's Schools Act. The Senate recedes.

Establishment of Island Councils

The Senate amendment, but not the House bill, introduces island councils and their composition. Specific administrative provisions, compensation, report requirements, and authorization of appropriations are described. The House recedes.

Application Required

The Senate amendment, but not the House bill, articulates the application required for a grant that is to be made to the Secretary in order to carry out the provisions of this part. The House recedes.

Native Hawaiian Language Immersion Authority

The House bill, but not the Senate amendment details a statewide effort to revitalize the Native Hawaiian language. Administrative costs are set at no more than 7 percent of the funds appropriated. Authorized appropriations are to be $1,500,000 for fiscal year 1995 and such sums as may be necessary for fiscal years 1996 through 1999. The House recedes.

Native Hawaiian Family-Based Education Centers

The Senate amendment, but not the House bill, states educational entities with "experience" in developing or operating Native Hawaiian programs. The House bill does not use "experience." The House recedes.

The House bill states that a minimum of eleven Family-Based Education Centers throughout the Hawaiian Islands be developed. The Senate amendment refers to no such minimum. The House recedes.

The Senate amendment, but not the House bill, articulates that the programs of such centers "may be conducted in either the Hawaiian language, the English language, or a combination thereof." The House recedes.

Native Hawaiian Higher Education Demonstration Program

The House bill, but not the Senate amendment, states that the Secretary shall make grants to the Kamehameha Schools/Bernice Pauahi Bishop Estate. The Senate amendment generalizes, stating grants will be given to Native Hawaiian educational organizations. The House recedes.

Mandatory activities

The Senate amendment, but not the House bill states mandatory activities include full or partial fellowship support for Native Hawaiian students enrolled in higher institutions of education. The House bill simply says "may include." The Senate recedes.

The Senate amendment, but not the House bill, includes "fellowship" in its conditions of recipients. The Senate recedes.

The Senate amendment, but not the House bill, includes a section titled "Permitted Activities" listing those which the House bill mentions under no such subsection. The Senate recedes.

The House bill, but not the Senate amendment, has a section titled "Grants Authorized." The House recedes.

The Senate amendment, but not the House bill, refers to the completion of a baccalaureate program. The House recedes.

The House bill, but not the Senate amendment, includes "within the State of Hawaii" after "Native Hawaiian community." The House recedes.

Special Rule

The House bill, but not the Senate amendment, includes a special rule that no policy be implemented to prevent a Native Hawaiian student enrolled at a higher education institution outside of the State of Hawaii from receiving a fellowship. The Senate recedes.

Authorization of Appropriations

The House bill, but not the Senate amendment, authorizes $1,500,000 for fiscal year 1995 and such sums as may be necessary for fiscal years 1996 through 1999 for funding fellowship assistance demonstration project provided under subsection (b). The House recedes.

Native Hawaiian Gifted and Talented Program

The House bill, but not the Senate amendment, states there will be an establishment of a Native Hawaiian Gifted and Talented Center at the University of Hawaii at Hilo. The Senate amendment does not specify a program at the University. The House recedes.

The House bill, but not the Senate amendment, specifies demonstration projects will be designed to address gifted and talented students. The Senate amendment makes no reference to demonstration projects. The House recedes.

The House bill, but not the Senate amendment, details the terms of the grant or contract. The House recedes.

The House bill, but not the Senate amendment, states that "such grant or contract shall be subject to the availability of appropriated funds and, contingent on satisfactory performance by the grantee." The House recedes.

Uses of Funds

The Senate amendment, but not the House bill, specifies "Native Hawaiian" gifted and talented students. The House recedes.

The House bill, but not the Senate amendment, incorporates public television in meeting educational needs of gifted and talented children. The House recedes.

The Senate amendment, but not the House bill, refers to coordination with "other Native American gifted and talented programs." The House recedes.

Information Provision

The House bill, but not the Senate amendment, states the Secretary will establish a national network of Native Hawaiian and American Indian Gifted and Talented Centers and impart any information to the educational community. The Senate recedes with an amendment striking "shall" and inserting "is authorized to".

The House bill provides $2,000,000 for fiscal year 1995 and such necessary sums for fiscal years 1996 through 1999. The Senate amendment provides $1,500,000 for fiscal year 1995, and necessary sums for each of the succeeding 4 fiscal years. The House recedes.

Special Education Authority

The House bill, but not the Senate amendment, refers to Pihana Na Mamo, while the Senate amendment mentions general educational organizations. The House recedes.

The House bill uses "children"; the Senate amendment uses "students." The House recedes.

The Senate amendment, but not the House bill, refers to emotional impairments. The House recedes with amendment, striking "learning" and "mental or physical disabilities, emotional impairments."

The House bill, but not the Senate amendment, refers to children at the elementary school level. The House recedes.

The Senate amendment, but not the House bill, refers to part B of the Education of Individuals with Disabilities Education Act. The House recedes.

The Senate amendment, but not the House bill, refers to "the conduct of educational, psychosocial, and developmental activities" of Native Hawaiian students. The House recedes.

The Senate amendment, but not the House bill, refers to "appropriate research, evaluation, and related activities." The House recedes.

The House bill, but not the Senate amendment, refers to the Secretary who may not make a grant or provide funds pursuant to a contract under this subsection. The House recedes.

The House bill, but not the Senate amendment, discusses non-Federal contributions. The House recedes.

Application Required

The House bill, but not the Senate amendment, refers to an "application required" to be submitted to the Secretary. The Senate recedes.

Definitions

The House bill and the Senate amendment have similar, but not identical, language defining the term "Native Hawaiian". The House bill states specifically "a citizen of the United States", and a "resident of the State of Hawaii." The Senate recedes.

The House bill states "birth records of the State of Hawaii", where the Senate amendment merely states "certified birth records." The House recedes. The conferees intend that genealogical records should be defined to include birth, marriage and death records.

The House bill, but not the Senate amendment, mentions the term "Secretary" as meaning the Secretary of Education. The House recedes.

The House bill, but not the Senate amendment, refers to "demonstrated expertise in research and program development." The Senate recedes.

The House bill, but not the Senate amendment, includes the definition of a "Native Hawaiian Organization." The Senate recedes.

The House bill, but not the Senate amendment, includes the term "elementary school" as meaning the same as indicated section 9101 of the same act. The House recedes.

The Senate amendment, but not the House bill, refers to the definition of "Native Hawaiian language" and the term "Office of Hawaiian Affairs." The House recedes.

The Senate amendment, but not the House bill, refers to the definition of "Native Hawaiian community-based organization." The House recedes.

The House bill, but not the Senate amendment, includes the term "local educational agency." The House recedes.

The House bill, but not the Senate amendment, includes the term "secondary school." The House recedes.

The Senate amendment, but not the House bill, includes Native Hawaiian Curriculum Development, Teacher Training and Recruitment Program. Specifics mentioned are curricular development, preteacher training, inservice teacher training, and teacher recruitment. Administrative costs are to be not more than 7 percent of the funds appropriated for fiscal year 1995 and such necessary sums for each of the 4 succeeding fiscal years. The House recedes, with an amendment: in paragraph (b) PRIORITY: insert after "(a) that" a "(1)" and insert after "youth or" a "(2)" and add after the end of the sentence "provided that entities receiving grants awarded pursuant to (b)(2) of this subsection coordinate in the development of new curricula".

The Senate amendment, but not the House bill, refers to Native Hawaiian Community-Based Education Learning Centers. Authorization appropriations are to be $1 million for FY 95, and such sums as may be necessary for each of the 4 succeeding fiscal years. The House recedes.

Allen J. Ellender Fellowship Program

The House bill refers to "physically challenged students, visually- and hearing-impaired students." The Senate amendment refers to "students with disabilities." The House recedes.

Contents of Application

The House bill refers to "physically challenged students, visually- and hearing-impaired individuals." The Senate amendment refers to "individuals with disabilities." The House recedes.

Authorization of Appropriations

18. The House bill authorizes $4.4 million and such sums for each of the fiscal years 1996, 1997, 1998, and 1999. The Senate amendment authorizes $4.5 million for Fiscal Year 1995 and such sums as may be necessary for each of the four succeeding fiscal years. The Senate recedes.

Territorial Education Improvement Program

The House bill entitles the program the "Territorial Education Improvement Program. The Senate amendment entitles the program the "Territorial Teacher Training Program." The Senate recedes with an amendment inserting "deLugo" in the program title.

The House bill, but not the Senate amendment, has provisions for Findings and Purposes. The Senate recedes.

Authorization

The House bill authorizes $5 million for each of the fiscal years 1994 through 1999. The Senate amendment authorizes $2 million for Fiscal Year 1995 and such sums for each of the succeeding four fiscal years. The Senate recedes with an amendment changing the authorization from $5 million to $3 million.

Grant Authorization

The House bill authorizes "an education improvement program." The Senate amendment refers to "assisting teacher training programs." The Senate recedes.

The House bill authorizes "an education improvement program". The Senate amendment refers to "assisting teacher training programs." The Senate recedes.

The House bill refers to "Palau until the effective date of the Compact of Free Association with the Government of Palau." The Senate amendment refers to "Palau." The Senate recedes.

The House bill refers to the "Northern Mariana Islands." The Senate amendment refers to "the Commonwealth of the Northern Mariana Islands." The House recedes.

The Senate amendment also includes the Republic of the Marshall Islands and the Federated States of Micronesia. The House recedes.

The House bill refers to making "grants to fund innovative education improvement programs which will increase student learning." The Senate amendment refers to "grants or contracts with any organization considered qualified to providing training for teachers in such schools and shall allot such sums among such territories on the basis of the need for such training." The Senate recedes.

The House bill contains a section on restrictions. The Senate recedes.

Blue Ribbon Schools Program

The Senate amendment, but not the House bill, contains a provision authorizing a $1 million Blue Ribbon Schools program. The Senate recedes with an amendment to move this to the Fund for the Improvement of Education.

National Student and Parent Mock Election

The Senate amendment, but not the House bill, contains a provision authorizing a $125,000 National Student and Parent Mock Election Program. The House recedes with an amendment to place program in FIE and with an amendment in paragraph (a) to strike "in" after "grants" and to strike "election" after "every" and to strike the authorization of appropriations in subsection (c).

Elementary School Counseling Demonstration

The Senate amendment, but not the House bill, contains a provision authorizing $1 million for an Elementary School Counseling Demonstration Act. The House recedes with an amendment, moving this program to FIE.

Model Projects

The Senate amendment, but not the House bill, contains a provision authorizing $5 million for a Model Projects program for grants to cultural institutions for outreach activities for at-risk children.

The House recedes with an amendment moving this program to FIE and striking the authorization of appropriations in subsection (c).

Extended Time for Learning

The Senate amendment, but not the House bill, contains a provision authorizing $20 million for an Extended Time for Learning program.

Longer School Year

The Senate amendment, but not the House bill, contains a provision authorizing $100 million for a Longer School Year incentive program.

Creating Smaller Learning Communities

8. The Senate amendment, but not the House bill, contains a provision authorizing $20 million for a Creating Smaller Learning Communities program. The House recedes with an amendment moving this program to FIE.

Partnerships in Character Education Pilot Project

The Senate amendment, but not the House bill, contains a provision authorizing $6 million for a Partnerships in Character Education Pilot Project. The House recedes with an amendment moving the program to FIE. See attached language at back.

Alaska Native Education

The Senate amendment, but not the House bill, contains a provision authorizing $5 million for an Alaska Native Education program, $2 million for an Alaska Native Home Based Education for Preschool Children program, and $1,000,000 for an Alaska Native Student Enrichment Program. The House recedes, moving the provision to a new Title IX.

Promoting Scholar-Athlete Competitions

The Senate amendment, but not the House bill, contains a provision authorizing $1 million for a program to promote Scholar-Athlete Competitions. The House recedes with an amendment to move it to FIE with language to appear as follows: "The Secretary is authorized to award a grant to a non-profit organization to reimburse such organization for the costs of conducting scholar-athlete games to be held in 1995. In awarding the grant the Secretary shall give priority to a non-profit organization that (A) is described in section 501(c)(3) of, and exempt from taxation under section 501(a) of, the Internal Revenue Code of 1986, and is affiliated with a university capable of hosting a large educational, cultural, and athletic event that will serve as a national model; (B) has the capability and experience in administering federally funded scholar athlete games; (C) has the ability to provide matching funds, on a dollar-for-dollar basis, from foundations and the private sector for the purpose of conducting a scholar-athlete program; has the organizational structure and capability to administer a model scholar-athlete program the summer of 1995; (E) has the organizational structure and expertise to replicate the scholar-athlete program in various venues throughout the United States in 1996 and thereafter, as well as replicate such program internationally; and (F) has plans for conducting scholar-athlete games after 1995 without federal assistance."

Cultural Partnerships for At-Risk Children and Youth Act of 1994

The House bill part is entitled "Community Arts Partnership Act of 1994" while the Senate amendment part is entitled "Cultural Partnerships for At-Risk Children and Youth Act of 1994." The House recedes.

The House bill refers only to the inadequacy of arts programs available for children in schools; the Senate amendment refers to "arts and cultural programs available for children and youth." The House recedes.

The House bill, but not the Senate amendment, finds that the arts promote progress in academic subjects as shown by research conducted by the National Endowment for the Arts. The Senate recedes.

The House bill, but not the Senate amendment, finds that the arts access multiple human intelligences and develop higher-order thinking skills. The House recedes.

The House bill, but not the Senate amendment, finds that the "arts generate self-esteem and positive emotional responses to learning." The Senate recedes with an amendment deleting 3502(a)(4) and inserting in lieu thereof: "Learning in the arts and humanities promotes progress in other academic subjects, and generates positive self-esteem and a greater sense of accomplishment in young people."

The House bill states only that "children who receive instruction in the arts remain in school longer and are more successful than children who do not receive such instruction"; the Senate amendment refers to children and youth who receive instruction in the arts and humanities, or who are involved in cultural activities. The House recedes.

The Senate amendment, but not the House bill, finds that "school-university partnerships that upgrade teacher training in the arts and humanities have significantly contributed to improved instruction and achievement levels of school-aged children." The House recedes with an amendment inserting "and school-cultural institution" after "school-university" and inserting a new paragraph after Senate section 11102(4) stating: "The Goals 2000: Educate America Act, other legislation and local, state and national resources support the integration of the arts and humanities into the regular curriculum and school day or all children. While all children benefit from this instruction in the arts and the humanities, at-risk children and youth have a special, additional need for arts and cultural programs both in school and after school."

The Senate amendment, but not the House bill, finds that museum outreach, cultural activities and informal education for at-risk children and youth have contributed significantly to their educational achievement. The House recedes.

The House bill includes a statement of purpose, the Senate amendment does not. The Senate amendment part is entitled "Subgrants" and involves grants from a Committee. The Senate recedes.

The House bill part is titled "Grants Authorized," the Senate amendment is titled "Award of Subgrants." The Senate recedes.

The House bill states that the "Secretary is authorized to award grants to eligible entities to pay the Federal share of the costs of activities" authorized under this title. The Senate amendment states that the Committee shall award subgrants to eligible entities. The Senate recedes.

The House bill part is entitled "Special Requirements" and states that the Secretary shall award grants under this Act to programs; the Senate amendment contains no such statement. The Senate recedes.

The House bill permits the Secretary to award grants to "programs designed to promote educational and cultural services"; the Senate speaks of "promoting and enhancing educational and cultural activities." The House recedes.

The House bill permits the Secretary to award grants to programs designed to provide multi-year services to at-risk children and youth; the Senate amendment contains no such part. The Senate recedes with an amendment inserting "and to integrate community cultural resources into in-school and after-school educational programs;" after "children and youth."

The Senate amendment, but not the House bill refers to a Committee which shall award subgrants to improve educational performance. The Senate recedes with an amendment striking all of Senate section 11103(a)(2).

The House bill, but not the Senate amendment, permits the Secretary generally to award grants to programs designed to serve the needs of at-risk children and youth. The House recedes.

The House bill permits the Secretary to award grants for programs designed to provide integration of community cultural resources in the regular curriculum; the Senate amendment speaks of integration into the regular curriculum and the school day. The House recedes.

The House bill permits the Secretary to award grants to programs designed to "provide effective cultural linkages from preschool programs," including preschool grants under the Individuals with Disabilities Education Act, to elementary schools. The Senate amendment refers to the provision of cultural programs to "facilitate the transition from preschool programs to elementary school programs, including programs under the Head Start Act and part H of the Individuals with Disabilities Education Act." The House recedes.

The Senate amendment, but not the House bill, states that facilitation of school to work shall be done through educational programs and activities that utilize school resources. The House recedes.

The House bill permits the Secretary to award grants to programs designed to increase parental and community involvement in the development of at-risk youth. The Senate amendment states that such development shall be of at-risk children and youth. The House recedes.

The House bill permits the Secretary to award grants to programs designed to "replicate programs and strategies that provide high quality coordinated educational and cultural services and that are designed to integrate such coordination into the regular curriculum." The Senate amendment refers to the development of such programs and strategies that are designed also to replicate the services in other schools. The House recedes with an amendment striking Senate section 1103(c)(1)(G)(ii) and inserting in lieu thereof: “provide a model to replicate these services in other schools and communities.”

The Senate amendment, but not the House bill, refers to a Demonstration Program and states that the Secretary shall award all funds appropriated under this title to the Committee. The House recedes with an amendment striking Senate section 1103 (a)(1) and inserting in lieu thereof a paragraph entitled “Partnership” and stating: “An interagency partnership comprised of the Secretary of Education, the Chairman of the National Endowment for the Humanities, the Chairman of the National Endowment for the Arts, and the Director of the Institute of Museum Services, or their designees, shall establish criteria and procedures for awarding grants, including the establishment of panels to review the applications, and shall administer the grants program authorized by this Section. The Secretary shall publish such criteria and procedures in the Federal Register.”

The Senate amendment states that the Committee may reserve up to 5% of grant funds for administration and that grant recipients may also reserve 5% of grants for administration. The House bill has no such provisions. The House recedes with an amendment striking the word “Committee” and inserting in lieu thereof the word “Secretary.”

The House bill part is entitled “Requirement of Coordination” and refers to grants received by the members of the partnership for purposes and target populations described into an integrated service delivery system located at a school, cultural, or other community-based site accessible to and utilized by at-risk youth. The Senate amendment is entitled “Coordination” and does not refer to such an integrated service delivery system. The Senate recedes with an amendment eliminating “Requirement of” in the title of the subsection.

The House bill part is entitled “Duration” and states that grants made under this part may be renewable upon the Secretary's determination of satisfactory progress for a maximum of 5 years. The Senate amendment part is entitled “Renewal” and states that the Committee is to make the determination of satisfactory progress. The Senate recedes.

The House bill states that the “Secretary shall ensure an equitable geographic distribution” and an “equitable distribution to both urban and rural areas with a high proportion of at-risk youth.” The Senate bill states that the “Committee, to the extent feasible, shall ensure an equitable geographic distribution of subgrants.” The House recedes with an amendment striking the word “Committee” and replacing it in lieu thereof with the word “Secretary.”

The House bill part is entitled “Eligibility” and the subpart entitled “Services for In-School Youth; the Senate amendment is entitled “Eligible Entities.” The House recedes with an amendment adding “and after school” after “in-school” in Senate section 11103(a)(3)(A).

The House bill defines an “eligible entity” as a partnership between a Title I eligible LEA and an institution of higher education or cultural entity located within or accessible to the boundaries of the LEA. The Senate amendment defines an "eligible entity" to include an individual school eligible to participate in a schoolwide program, explicitly makes museums and local arts agencies eligible for such partnerships and requires that the entity partnering with a school or LEA be accessible to individuals within the local school district. The House recedes.

The House bill, but not the Senate amendment, explicitly permits "libraries, performing, presenting and exhibiting arts organizations; literary arts organizations" and local arts organizations to enter into partnerships. The Senate amendment, but not the House bill explicitly includes cultural institutions and local arts agencies. The Senate recedes with an amendment adding "state and" prior to the phrase "local arts organizations," and an amendment adding "cultural institutions;" before the word zoological.

The House bill requires that "private for-profit entities" have a history of training children and youth in the arts. The Senate amendment specifies an "effective history of training" such individuals in the arts or humanities. The House recedes with an amendment striking the word "effective."

The House bill makes Title 1 eligible LEAs eligible for partnerships for out of school youth. The Senate amendment permits any LEA or schoolwide program eligible school to be so qualified. The House recedes with an amendment striking Senate section 11103(a)(3)(b).

The Senate amendment, but not the House bill, states that the families of students shall be served "to the extent practical." The House recedes.

The House bill, but not the Senate amendment includes in its target population out-of-school youth at risk of having limited future options as a result of teenage pregnancy, family migration or being a high school dropout. The Senate amendment refers to out-of-school children and youth at risk of disadvantages resulting from dropping out of school. The House recedes.

The House bill refers to at-risk youth; the Senate amendment refers to at-risk children and youth. The House recedes.

The House bill refers to ensuring the smooth transition of preschool children to elementary school, the Senate amendment refers to fostering such a transition. The House recedes.

The House bill includes as authorized activities, work with existing school personnel to develop curriculum materials and programs in the arts. The Senate amendment refers only to curriculum materials, not programs, in the arts. The Senate recedes.

The House bill includes as authorized activities, work with existing school personnel on staff development activities that encourage the integration of the arts into the curriculum. The Senate amendment does not refer to work with such school personnel. The Senate recedes.

The Senate amendment and the House bill refer to stipends for arts and humanities professionals to work with at-risk children and youth in schools. The House recedes with an amendment to Senate Section 11104(a)(8) striking the word "arts" and inserting in lieu thereof the word "artists."

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The Senate amendment, but not the House bill, refers to training individuals who are not trained to work with children and youth. The House recedes.

The House bill refers to stipends for local artists work with at-risk children and youth; the Senate amendment refers to arts and humanities professionals working with such at-risk individuals. The House recedes.

The House bill states that the arts should be used to reform school practices; the Senate amendment refers to the arts and culture. The House recedes.

The House bill refers to appropriate equipment and necessary supplies. The Senate amendment refers to appropriate equipment or supplies. The House recedes.

The House bill requires the Secretary to give priority to eligible entities providing services beyond traditional school hours and refers to year round programs that provide services in the evenings and on weekends. The Senate version gives discretion to the Committee as to whether to give priority to programs extending beyond traditional school hours and does not refer to year round programs. The Senate recedes with an amendment striking Senate section 11103(c)(5).

The Senate amendment establishes a Committee comprised of 8 members of whom 2 shall be appointed by the Secretary of Education, 2 by the National Endowment for the Arts, 2 by the National Endowment for the Humanities and 2 by the Institute of Museum Services. The House bill contains no such provision. The Senate recedes.

The House bill part is entitled "Planning Grants," the Senate amendment is entitled "Planning Subgrants." The Senate recedes.

The House bill refers to applications made to the Secretary, the Senate amendment refers to awards by the Committee. The Senate recedes.

The House bill refers to applications made to the Secretary. The Senate amendment refers to applications made to the Committee. The Senate recedes.

The Senate amendment, but not the House bill, refers to applications submitted to the Committee. The Senate recedes.

The Senate amendment, but not the House bill, permits an individual school to apply for grants under this title. The House recedes.

The House bill, but not the Senate amendment, requires that applications describe the nature and location of sites where services will be delivered and a description of those services. The Senate recedes.

The Senate amendment, but not the House bill, requires that applications describe the training that will be provided to individuals who are not trained to work with children and youth and how teachers will be involved. The House recedes.

The House bill states that the amount of a grant may not be less than $100,000 nor more than $500,000 in the first year. The Senate amendment states that subgrants awarded under this title shall be of sufficient size, scope and quality to be effective. The House recedes.

The Senate amendment, but not the House bill, permits that the 20% of the non-federal share of programs required may include the provision of equipment. The House recedes.

The House bill, but not the Senate amendment restrict the scope of this section to amounts that exceed the amounts expended for such activities in the year preceding the year for which the grant is awarded. The Senate recedes.

The Senate amendment, but not the House bill, requires that the Secretary disseminates information concerning successful models under this title in consultation with the Committee. The House recedes with an amendment striking the language of Senate Section 11107 and inserting in lieu thereof: "The Secretary, in consultation with the Chairman of the National Endowment for the Humanities, the Chairman of the National Endowment for the Arts and the Director of the Institute of Museum Services, or their designees, shall submit successful models under this Title to the National Diffusion Network for its review."

The House bill authorizes $75 million for FY 1995 and such sums as may be necessary for the each of fiscal years 1996, 1997, 1998, 1999. The Senate bill authorizes $25 million for FY 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years. The House recedes with an amendment striking the term "$20,000,000" and placing in lieu thereof "$45,000,000."

The Senate amendment but not the House bill requires that before any appropriations are made for this title, $177 million shall be appropriated for the National Endowment for the Humanities, $170 million shall be appropriated for the National Endowment for the Arts and $28 million shall be appropriated for the Institute of Museum Services. The Senate recedes.

The Senate amendment, but not the House bill, states that the Committee shall award subgrants under this title so as to ensure nonduplication of services provided by subgrant recipients and services provided by the National Endowment for the Humanities, the National Endowment for the Arts, and the Institute for Museum Services. The House recedes with an amendment deleting the words "subgrant" and "subgrants" where they appear and inserting in lieu thereof "grant" or "grants" respectively and deleting the word "Committee" and inserting in lieu thereof the word "Secretary."

The Senate amendment, but not the House bill, states that the Committee is to establish and transmit to the Secretary criteria and procedures for awarding subgrants under this Title. The Secretary is to publish such criteria and procedures in the Federal Register. The Senate recedes.

The Senate amendment but not the House bill requires the involvement of a certified teacher or trained instructor in carryout the activities of a subgrant. The Senate recedes.

TITLE VII BILINGUAL EDUCATION, LANGUAGE ENHANCEMENT AND LANGUAGE ACQUISITION PROGRAMS

1. The House bill names Title VII, "bilingual education programs". The Senate amendment names Title VII, "language enhancement and acquisition programs" and makes Part A, "bilingual education programs."

The Senate recedes with an amendment to title this part "Bilingual Education, Language Enhancement and Acquisition."

Findings

2. The House bill is entitled "Findings, Policy, and Purpose"; the Senate amendment is entitled "Findings. The House bill finds that language minority Americans speak virtually all world languages; the Senate amendment finds that many LEP students are different from their English proficient peers.

The Senate recedes on the House finding. The House recedes on the Senate finding.

3. The House bill, but not the Senate amendment, makes a statement in its findings with regard to the impact of federal immigration policies on limited-English proficient Americans.

The Senate recedes.

4. The House bill, but not the Senate amendment, states in its findings that language-minority Americans have limited education and low incomes.

The House recedes.

5. The House bill and Senate amendment have similar, but not identical, findings concerning a need to provide limited-English-proficient children full access to educational programs. The Senate amendment, but not the House bill, relates the findings to ways in which these children are not fully integrated into American society.

The House recedes.

6. The House bill describes in its findings the federal government's responsibilities to American Indians, Native Alaskans and Native Hawaiians. The Senate amendment describes in its findings the unique status of Native Americans and Native American languages.

The House recedes with an amendment to insert "including native residents of the territories and freely associated nations" after parentheses.

7. The House bill, but not the Senate amendment, describes the role of institutions of higher education in assisting language-minority students.

The Senate recedes with amendment striking "language-minority" and replacing it with "limited-English proficient."

8. The House bill states in its findings that this title is intended to help students master English and develop high levels of academic attainment. The Senate amendment states in its findings that a primary purpose of the title is to develop the English language.

The Senate recedes.

9. The House bill states in its findings that limited-English-proficient children can be helped through bilingual education and includes proficiency in more than one language. The Senate amendment states in its findings that the needs of limited-English-proficient children are met through specially designed programs.

The Senate recedes.

10. The House bill states in its findings that multilingual skills are necessary in today's interdependent world. The Senate amendment states in its findings that parent and community participation contribute to program effectiveness.

The House recedes and the Senate recedes so that the provisions may be combined by legislative counsel.

11. The House bill, but not the Senate amendment, states in its findings that educational technology should be utilized.

The Senate recedes.

12. The House and Senate amendments state, in similar, but not identical ways, the value of educational research.

The House recedes with an amendment after the last "education" in Senate language to add "of limited-English proficient children".

13. The House bill and Senate amendment describe, with minor differences, the value of using one's native language.

The House recedes.

14. The Senate amendment, but not the House bill, notes the federal government's responsibility in ensuring that states provide limited-English-proficient children equal educational opportunities.

The House recedes.

15. The Senate amendment, but not the House bill, notes the federal government's obligation to assist states in meeting their requirements to provide equal educational opportunities.

The House recedes.

16. The House bill and Senate amendment provide identical descriptions for "policy", with the following exceptions: the Senate amendment, but not the House bill, makes reference to "consortia of local educational agencies"; the House bill, but not the Senate amendment, references "language minority" children.

The House recedes with an amendment deleting "and consortia of local educational agencies."

17. The House bill and Senate amendment have technical differences with respect to how "purpose"/"policy' are set forth. The Senate amendment describes the following under the section, "policy": to educate eligible children to high academic standards; to develop their English; to develop bilingual skills; and to apply these goals to Native American groups. The House bill describes the following under the section "purpose": to educate eligible children to high academic standards through improved bilingual education programs, through improved data, through research and dissemination, and through improved training of educators.

The House and Senate recede to combine the provisions as follows: delete "language minority and"; to insert "content standards and challenging state student" before standards; to insert (2) develop bilingual skills and multicultural understanding; (3) develop the English of such children and youth and, to the extent possible, the native language skills of such children and youth; (4) provide similar assistance to Native Americans with certain modifications relative to the unique status of Native American languages under Federal law.; and redesignate the remaining paragraphs.

Authorization of Appropriations

18. The House bill section is entitled "authorization of appropriations; the Senate amendment is entitled "policy; authorization of appropriations." The House bill, but not the Senate amendment, reserves at least 25 percent for Part C.

The Senate recedes.

Definitions

19. The House bill, but not the Senate amendment, includes in the subheading of, "definitions", "regulations".

The Senate recedes.

20. The House bill and Senate amendment define, "Native language" in identical fashion, except the House bill applies the term to "individual", whereas the Senate amendment applies the term to "individual of limited-English-proficiency".

The House recedes.

21. The House bill defines, (and generally uses throughout the title in conjunction with "limited-English-proficient") "language-minority" to describe individuals whose native language is not English, whose home environment is other than English or an individual who is Native American. No comparable Senate provision.

The House recedes.

22. The House bill defines, "limited-English-proficient" as a language-minority person with limited ability to communicate in English." The Senate amendment defines its equivalent term, "limited-English proficiency and limited-English-proficient", as one who is not born in the States, or whose native language is other than English (including migratory persons), or is a Native American, and who therefore has difficulty communicating in English.

The House recedes with an amendment adding "or is a native resident of the territories and freely associate nations" after "Alaska Native."

23. The House bill defines, "bilingual education" as a teaching method which makes instructional use of English and the native language. The Senate amendment defines, "bilingual education program" as a teaching method conducted in English, the native language or both, which helps students achieve proficiency in English and "to the extent practicable" their native language in order to achieve high standards.

The Senate recedes.

24. The House bill defines "special alternative instructional program" as distinct from "bilingual education". No comparable provision in the Senate amendment.

The Senate recedes.

25. The House bill defines, "family education program", as a program designed for adults and out-of-school youth. No such provision in the senate.

The Senate recedes with amendment to include Parents as Teachers and HIPPY after Even Start Literacy Program in paragraph (6) and to add "s" to "model" in the same sentence.

26. The House bill defines, "institution of higher education". No comparable provision in the Senate amendment.

The Senate recedes on the provision and its placement is left to legislative counsel.

27. The House bill defines "office." No comparable provision in the Senate amendment.

The Senate recedes.

28. The House bill defines "community college". No comparable provision in the Senate amendment.

The Senate recedes on the provision and its placement is left to legislative counsel.

29. The House bill defines "paraprofessional". No comparable provision in the Senate amendment.

The Senate recedes.

30. The House bill and Senate amendment define, "other programs for persons of limited-English-proficiency" similarly, except the Senate amendment adds that it must directly involve bilingual education activities.

The Senate recedes.

31. The House bill defines, "community-based organization". No comparable provision in the Senate amendment.

The Senate recedes with an amendment including "of demonstrated effectiveness" in paragraph (12) after "community-based organization." The placement of this paragraph is to be determined by Legislative Counsel.

32. The House bill and Senate amendment are similar in the definition of, "immigrant children and youth", but the Senate amendment applies the term to children who have been attending a school or schools in the States for not more than "three" years, when the House applies this to children who have attended school in the U.S. for not more than "two" years. Technical difference regarding placement.

The House recedes.

33. The Senate amendment defines, "director". No comparable provision in the House bill.

The House recedes.

34. The Senate amendment defines, "jurisdiction where a Native American language has official status". No comparable provision in the House bill.

The Senate recedes.

35. The Senate amendment defines, "Native American and Native American Language". No comparable provision in the House bill.

The House recedes.

36. The Senate amendment defines, "Native Hawaiian or Native American pacific islander native language educational organization". No comparable provision in the House bill.

The House recedes.

37. The House bill, but not the Senate amendment, requires the Secretary to consult with State representatives and others in developing regulations under this Title.

The Senate recedes.

38. Both bills have similar detailed provisions regarding parental notification. The House bill, but not the Senate amendment, makes the following additional requirements: information on assessments of a child; information on programs; information on the instructional goals of the language programs for language minority children; and that a student's surname may not be the sole basis for program participation.

The Senate recedes with two amendments: in paragraph (2), change "disabled student" to "student with a disability" and in subparagraph (A), change the first line to "the benefits, nature, and past academic results".

39. The House bill and Senate amendment are identical in their descriptions of "eligible entities", except for technical differences to conform to the different terms of each bill.

The House recedes with an amendment to include "post-secondary schools" after "secondary schools" in paragraph (a).

40. The House bill authorizes payments to be made to schools operated or funded by the Bureau of Indian Affairs and exempts Indian and Alaskan native controlled schools from the requirement to submit application to SEA (see section 7106(a)(2)). The Senate amendment authorizes any of the named entities referred to as an "eligible entity" (such as "Indian tribe") on the preceding page and authorizes such entity to apply directly to the Secretary (i.e. without a requirement to submit the application first to the SEA).

The House recedes.

41. The House bill, but not the Senate amendment, requires the Assistant Secretary of the Interior, in collaboration with the Secretary of Education, to provide a yearly report to the Congress on how well Indian children are served under the purposes of this Title.

The House recedes.

42. The House bill, but not the Senate amendment, defines "local educational agency" as one which includes the preservation of native language when applied to Guam.

The Senate recedes.

43. The House titles Part A, "bilingual education capacity and demonstration grants"; the Senate titles the subpart, "financial assistance for bilingual education."

The Senate recedes.

Purpose of Grants

44. The House bill titles the section, "purpose of grants"; the Senate amendment titles it "financial assistance for bilingual education." The House bill states that the purpose of bilingual education grants is to develop capacity of local educational agencies, institutions of higher education and community-based organizations in delivering programs to assist language minority children. The Senate amendment states that the purpose of bilingual education grants is to assist local educational agencies in helping their limited-English proficient children acquire English, attain high education standards, and develop proficiency in their Native language, where possible.

The House recedes with two amendments: insert "institutions of higher education, and community-based organizations" after "local educational agencies" in the first sentence of subsection (a) and insert "through bilingual education or special alternative instruction" after "high-quality instruction" in paragraph (1).

Program Development Grants

45. The House bill authorizes "program development and implementation" grants with awards of up to $100,000 annually for up to 4 years. The Senate amendment authorizes "development and enhancement" grants under a single authority, with no dollar amount specified, for up to 3 years.

Senate recedes with an amendment to delete "with 1 additional year upon the Secretary's approval" and to delete "up to $100,000 annually".

46. The House bill requires that the following activities be provided under these grants: developing and implementing bilingual and special alternative programs which are coordinated with the relevant programs and services; in-service training. No comparable language in Senate amendment.

The Senate recedes.

47. The House bill allows the following activities under these grants: family education programs; upgrading the instructional program. Comparable language in the Senate amendment appears under "use of funds", page 34(b). The Senate recedes with an amendment to delete (b)(3)(A) and (b)(3)(B) and replace them with:

(A) Implementing parent outreach and training activities and family education programs and activities designed to assist parents to become active participants in the education of their children;

(B) Improving the instructional program for limited-English-proficient students by identifying, acquiring and upgrading curriculum, instructional materials, educational software and assessment procedures and, if appropriate, applying educational technology;

(C) Compensating personnel, including teacher aides who have been specifically trained, or are being trained to provide services to children and youth of limited-English proficiency;

(D) Providing tutorials and academic or career counseling for children and youth of limited-English proficiency; and

(E) Providing such other activities, related to the purposes of this part, as the Secretary may approve.

48. The House bill make eligible, local educational agencies, or community-based organizations whose applications have been approved by LEAs. Comparable language in the Senate amendment (see the first paragraph of this subpart, page 16(b)) makes eligible local educational agencies or community-based organizations in consortia with an LEA and an institution of higher education.

The Senate recedes with an amendment inserting "or an institution of higher education " after the second time that "community-based organization" appears in subsection (c).

49. The House bill, but not the Senate amendment, requires that grants be equally distributed, to the extent practicable, among the three education levels specified.

The Senate recedes with an amendment changing subsection (d) to: "In awarding grants, the Secretary shall, to the extent practicable, give due consideration to early childhood education, elementary education and secondary education programs."

Program Enhancement Grants

50. The House bill authorizes "program enhancement grants" with awards up to $100,000 annually for 2 years. The Senate amendment includes "enhancement grants" with "development grants" as a single authority.

The Senate recedes with an amendment deleting "of up to $100,000" in subparagraph (1).

51. The House bill requires that funds be used to provide in-service training. No comparable provision in the Senate amendment.

The Senate recedes.

52. The House bill allows grants to be used for improving instructional programs, for implementing family education programs and for providing intensified instruction. Comparable language in the Senate amendment appears under "use of funds", page 34(b).

The Senate recedes with an amendment to delete (b)(3)(A) and (b)(3)(B), redesignate (b)(3)(C) as (b)(3)(F) and insert:

(A) Implementing parent outreach and training activities and family education programs and activities designed to assist parents to become active participants in the education of their children;

(B) Improving the instructional program for limited-English-proficient students by identifying, acquiring and upgrading curriculum, instructional materials, educational software and assessment procedures and, if appropriate, applying educational technology;

(C) Compensating personnel, including teacher aides who have been specifically trained, or are being trained to provide services to children and youth of limited-English proficiency;

(D) Providing tutorials and academic or career counseling for children and youth of limited-English proficiency; and

(E) Providing such other activities, related to the purposes of this part, as the Secretary may approve.

53. The House bill makes eligible, local educational agencies, or community-based organization whose applications have been approved by the LEA. Comparable language in the Senate amendment (see the first paragraph of this subpart, page 16(b)) makes eligible, local educational agencies or community-based organizations in consortia with an LEA and an institution of higher education.

The Senate recedes with an amendment inserting "or institutions of higher education" after "community-based organizations" in the second sentence of subsection (c).

Whole School Programs

54. The House bill authorizes "whole-school program" grants for restructuring all relevant programs in a school. The Senate amendment authorizes "comprehensive school grants" for implementing schoolwide bilingual education.

The Senate recedes with an amendment changing the section title to "Comprehensive School Grants"; inserting "implement schoolwide bilingual programs or special alternative instruction programs for reforming, restructuring, and upgrading" after "eligible applicants to"; deleting "to fulfill" to the end of the sentence and inserting "that serve all (or virtually all) children and youth in limited-English proficiency in schools with significant concentrations of such children and youth."

55. The House bill authorize 5-year grants of up to $100,000 in the first year and up to $250,000 in subsequent years. The Senate amendment authorizes the grants for "not more than" 5 years, without an amount specified.

The Senate recedes with an amendment deleting the monetary amounts and the reference to the "subsequent 4 years".

56. The Senate amendment, but not the House bill, provides for terminating a grant if the school fails to help students achieve academic standards or, in the case of dual language facility, fails to promote such facility.

The House recedes with an amendment adding "not making adequate progress toward" achieving challenging standards after "taught to and".

57. The House bill requires in-service training activities. The Senate amendment allows, but does not require such activities (see page 34(b)).

The Senate recedes.

58. The House bill allows activities in the area of instructional improvement, family education and intensified instruction. Comparable language in the Senate amendment appears under "use of funds", page 34(b).

The Senate recedes with an amendment deleting subparagraphs (A) and (B) and changing (C) to (F) and inserting the following:

> (A) Implementing parent outreach and training activities and family education programs and activities designed to assist parents to become active participants in the education of their children;
>
> (B) Improving the instructional program for limited-English-proficient students by identifying, acquiring and upgrading curriculum, instructional materials, educational software and assessment procedures and, if appropriate, applying educational technology;
>
> (C) Compensating personnel, including teacher aides who have been specifically trained, or are being trained to provide services to children and youth of limited-English proficiency;
>
> (D) Providing tutorials and academic or career counseling for children and youth of limited-English proficiency; and
>
> (E) Providing such other activities, related to the purposes of this part, as the Secretary may approve.

59. The House bill requires that in the first year of a grant, priority be given to preparatory activities. The Senate amendment allows, but does not give priority to such activities (see page 34(c)).

The Senate recedes with an amendment replacing paragraph (4) with the following:

> (4) An applicant, before carrying out a program shall plan, train personnel, develop curriculum and acquire or develop materials.

60. Both the House bill and the Senate amendment makes eligible local educational agencies.

Leave to Legislative Counsel to determine the placement of this provision.

System-wide Improvement Grants

61. The House bill authorizes "system-wide improvement grants" for reforming relevant programs in a local educational agency. The Senate amendment authorizes "comprehensive district

grants" for implementing district-wide bilingual education programs.

The Senate recedes on the section title. The Senate recedes with an amendment on the rest of the provision. Replace (a) with:

"(a) PURPOSE.—The purpose of this section is to implement district-wide bilingual education programs or special alternative instruction programs to improve, reform, and upgrade relevant programs and operations within an entire local educational agency that serve a significant number of children and youth of limited-English proficiency in local educational agencies with significant concentrations of such children and youth."

62. The House bill authorizes grants for 5 years, with up to $1m in the first year and up to $5m in subsequent years. The Senate amendment authorizes grants for "not more than 5 years", with no amount specified.

The Senate recedes with an amendment deleting the dollar amounts and references to "the first year" and "each of the subsequent 4 years."

63. The Senate amendment provides for conditions under which the grant shall be terminated. No comparable provision in the House bill.

The House recedes with an amendment adding "not making adequate progress toward" after "taught to and".

64. The House bill lists a variety of activities that may be funded under the grant and clarifies that the first year of funding may be used exclusively for preparatory activities. Comparable language in the Senate amendment appears under "use of funds", pages 34 (b) and (c).

The Senate recedes with an amendment to strike (E), (F), and (G) in the paragraph on how grants may be used insert the following after (D):

> (E) parent outreach and training activities and family education programs and activities designed to assist parents to become active participants in the education of their children;
>
> (F) the instructional program for limited-English-proficient students by identifying, acquiring and upgrading curriculum, instructional materials, educational software and assessment procedures and, if appropriate, applying educational technology;
>
> (G) tutorials and academic or career counseling for children and youth of limited-English proficiency; and
>
> (H) such other activities, related to the purposes of this part, as the Secretary may approve.

65. The House bill specifies that local educational agencies, applying alone or in consortia with other entities, are eligible for grants. The Senate amendment makes eligible local educational agencies.

The Senate recedes.

66. The House bill gives priority to applicants serving high concentrations of limited-English proficient students or consortia serving students in rural settings.

The House recedes.

Applications

67. The House bill requires applicants to submit applications, developed in consultation with an advisory council, to the Secretary. A copy of the application is required to be sent to the State educational agency, which may submit written comments to the Secretary. If SEA submits comments on any application, it must submit on all in that category.

The Senate amendment requires an applicant to submit applications, developed in consultation with an advisory council (see page 27(b)) to the Secretary through the State educational agency. The SEA must comment on the need for the program and on how the application is consistent with the State plan under Title I.

The House recedes with an amendment on the application provision.

The House bill exempts Indian-controlled schools from submitting a copy of the application to the SEA.

The Senate recedes.

68. The House bill and Senate amendment have identical requirements under "contents" applicable to all applicants. The House bill, but not the Senate amendment, also makes reference to the Goals 2000 bill; requires involvement of parents; requires student outcomes; requires promotion of coordination of services for students and their families; requires description of collaborative efforts; requires a budget.

The Senate recedes except on question of reference to Goals 2000, with an amendment on (iv) to delete "in the expected student outcomes", replacing it with "in high academic standards." The House recedes on the reference to Goals 2000 with the following amendment: "(ii) is coordinated with other programs under this Act, the Goals 2000 Act, and other acts, as appropriate, as specified in section . . . , Title . . . "; strike "local educational agency" after "any state."

69. The House bill and Senate amendment requires additional activities as follows:

Under "program development and implementation" grants and "whole school programs" grants, the House bill requires applicant to describe instructional programs, in-service training and family education programs. Under "enhancement grants", the House bill requires a description of the existing program and how it will be enhanced.

Under "comprehensive school" and "comprehensive district" grants, the Senate amendment requires applicants to describe current services and how the proposed services will be supplemental; integration of funds; achievement goals; assurances that the program is integrated and that the program has been developed with an advisory council.

The House recedes with an amendment changing "subsection (c) or (d)" to "section 7104 or 7105" and adding "(v) current family education programs if applicable."

70. The House bill, but not the Senate amendment, establishes conditions which must be met before the Secretary may approve a proposal, such as meeting the needs of children in non-profit private schools.

The Senate recedes.

The House bill requires that the Secretary approve a grant only if he determines the program will use staff proficient in the language or languages used for instruction; the Senate amendment requires that the applicant assure that teachers employed in such programs be proficient in English (both written and oral).

The Senate recedes on the House provision. The House recedes on the Senate provision.

71. The House bill, but not the Senate amendment, specifies that students may participate in the program for the duration of the program.

The House recedes.

72. The House bill, but not the Senate amendment, establishes a priority for programs which develop bilingual proficiency.

The Senate recedes with an amendment adding "in English and another language" after "bilingual proficiency".

73. The House bill limits to 25% the amount that may be given to any grant category which does not utilize the native language for instruction. The Senate amendment limits to 25% the amount that may be given to grants awarded under "development and enhancement" grants and "comprehensive school" grants which do not utilize the native language for instruction.

The Senate recedes.

74. The House bill states "notwithstanding paragraph (3) (special alternative programs)," while the Senate amendment states "notwithstanding paragraphs (1) and (2) (development and enhancement grants and comprehensive school grants)."

The Senate recedes.

74a. The Senate amendment, but not the House bill, applies the term, "qualified", to personnel.

The House recedes.

75. The House bill requires the Secretary to consider collaborative activities, when approving a grant. The Senate amendment authorizes collaborative activities and consortia.

The House recedes.

76. The House bill requires that the Secretary ensure that the needs of school systems of all sizes, in all parts of the country be addressed. (For comparable Senate amendment provision, see note #81.)

The House recedes.

77. The House bill, but not the Senate amendment, requires the Secretary to give priority to programs which assist in certifying personnel.

The Senate recedes with an amendment striking "priority" and inserting "due consideration".

Intensified Instruction

78. The House bill, but not the Senate amendment, authorizes and describes "intensified instruction" activities such as capacity building.

The Senate recedes.

79. The Senate amendment requires that, to the extent possible, the Secretary increase funds for grants awarded under "comprehensive school" and "comprehensive district" grants in subsequent years.

The Senate recedes.

Subgrants

Geographic Distribution of Funds

80. The House bill and Senate amendment both provide for geographic distribution of grants. The Senate amendment, but not the House bill, adds to the requirement that consideration be given to areas with significant increases in limited-English-proficient children. The Senate amendment also gives consideration to the needs of all sizes of school systems and geographic settings.

The House recedes with an amendment replacing (f) with "Priority on Funding.—The Secretary shall give priority to applications under this section from; replacing paragraph (1) with "applicants which enroll a large percentage or large number of limited-English-proficient students; and"; inserting "including those" after "youth" in paragraph (2); and striking "full" in paragraph (3) and inserting "and urban" after "rural".

Programs in Puerto Rico

81. The House bill and Senate amendment both provide that programs serving children in Puerto Rico may be designed for children of limited Spanish proficiency. The Senate amendment, but not the House bill, also includes under this provision that programs may be designed for children studying Native American languages, provided one of the outcomes is increased English proficiency.

The House recedes with an amendment to include Native Pacific Islanders.

Evaluations

82. The House bill requires grant recipients to provide the Secretary an evaluation of its program and how it shall be used for purposes such as program improvement. Components to be used in such evaluation include: student outcome indicators, program implementation indicators, the relationship of the program to all other activities within the school.

The Senate recedes with an amendment replacing (1) with "how students are achieving the State performance standards, if any, including date comparing children and youth . . . proficiency;"

83. The Senate amendment lists the activities that may be funded for all three grant categories as follows: acquisition of curricular materials, parent outreach, salaries, tutorials and career counseling, other activities related to the purposes of this part. The Senate amendment lists the following additional activities that may be funded under comprehensive school and comprehensive district grants: pre-service and in-service staff development; preparatory activities for the first full year of funding.

The Senate recedes.

84. The Senate amendment, but not the House bill, makes clear that a local educational agency serving children under this part are not prohibited from serving other children with similar needs in the same setting.

The House recedes.

Part B (Subpart 2)—Research and Dissemination

85. The House bill titles the part, "research and dissemination"; the Senate titles it "research and evaluation"; The House bill titles the section "use of funds"; the Senate titles it "authority. Both bills provide for data collection, dissemination research and evaluation, with the House bill requiring that the activity be done through the Office of Bilingual Education and Minority Languages Affairs.

The House recedes on the title with an amendment to entitle this part (or subpart) "Research, Evaluation, and Dissemination" and with the amendment such that the provision reads:

"Part B—Research, Evaluation, and Dissemination

"Section 7201. Authority

"(a) In General.—The Secretary is authorized to conduct data collection, dissemination, and research, and shall conduct ongoing data evaluation activities in accordance with the provisions of this part for the purposes of improving bilingual education and special alternative instructional programs for children and youth of limited-English proficiency.

"(b) Competitive Awards.—Research and evaluation activities carried out under this part shall be supported through competitive grants, contracts, and cooperative agreements to institutions of higher education, non-profit organizations, and State and local education agencies.

"Section 7122. Research Activities

"(a) Administration.—The Secretary shall conduct data collection, dissemination, and ongoing program evaluation activities authorized by this part through the Office of Bilingual Education and Minority Language Affairs."

Research

86. The House bill requires, the Senate amendment allows, research to be supported through competitive grants, contracts, and cooperative arrangements.

The Senate recedes with an amendment to read:

"Section 7202.—Research

"(a) Administration.—The Secretary shall conduct research activities authorized by this part through the Office of Educational Research and Improvement in coordination and collaboration with the Office of Bilingual Education and Minority Language Affairs."

87. The House bill describes ten areas in which the Secretary is authorized to conduct research. The Senate amendment requires, as appropriate, that the Secretary conduct through OERI, research on techniques for teaching multilingual classes and for teachers who do not know the native language of students and for the dissemination of such research.

The House recedes with an amendment on the research provision.

88. The House bill, but not the Senate amendment, requires that at least 5% of research funds be made available for research initiated by recipients of grants under Part A or C of this Title.

The Senate recedes.

89. The House bill requires that research activities be coordinated with OERI.

The House recedes.

90. The House bill, but not the Senate amendment, provides for collaborative research activities between OERI and OBEMLA.

The House recedes.

91. The House and Senate have identical provisions with respect to academic excellence awards, except that the House bill extends the promotional activities to "special alternative instruction programs" and "professional development programs".

The Senate recedes.

State Grant Program

92. Both bills establish similar state grant programs, except the House bill, but not the Senate amendment, requires that the plan comport with either the plan under Goals 2000 or under Title I of this Act.

The House recedes with an amendment inserting ", through its own programs and other federal education programs," after "that such agency".

93. The House bill requires funds be used for certain activities with the Senate amendment allows funds to be used for these activities.

The Senate recedes.

94. Similar provisions to allow data collecting on LEP youth by SEA, except the House bill also allows data collection on services to LEP youth.

The Senate recedes with an amendment striking "language minority and".

95. The Senate amendment, but not the House bill, allows funds to be used for operating an advisory council, as required by subsection (d).

The Senate recedes.

96. The House bill, but not the Senate amendment, exempts States from data collection if such a system does not exist and requires the State to comply if it implements such a system for all students.

The Senate recedes.

97. The House bill, but not the Senate amendment, allows funds to be used for training State educational agency personnel.

The Senate recedes.

98. The House bill requires that the State educational agency consult with a variety of individuals about the use of funds. The Senate amendment requires that the SEA appoint an advisory panel.

The Senate recedes.

99. The House bill, but not the Senate amendment, requires that federal funds not be used to supplant State funds.

The Senate recedes.

100. The House bill, but not the Senate amendment, requires the SEA to make annual reports to the Secretary, pursuant to regulations, on the uses of Title VII funds.

The Senate recedes with an amendment deleting everything after "report to the Secretary" and an amendment "describing their uses of such funds."

National Clearinghouse for Bilingual Education

101. The House bill, but not the Senate amendment, requires that the Clearinghouse be administered as an adjunct to ERIC.

The Senate recedes.

The Senate amendment, but not the House bill, includes among the Clearinghouse functions, a requirement to maintain in the comprehensive regional centers, listings by geographic area of speakers of languages other than English who might be used as resources for schools.

The House recedes.

Instructional Materials

102. The House bill, but not the Senate amendment, authorizes grants for instructional materials development in Native American, Native Hawaiian and other languages.

The Senate recedes with amendment adding "and the languages of the territories and freely associated nations".

Evaluation Assistance Centers

103. The House bill, but not the Senate amendment, provides for an extension of Evaluation Assistance Centers through 1996 and requires that the comprehensive assistance centers, under Title II, provide services comparable to those offered under EACs. The House bill authorizes the Centers to receive gifts.

The House recedes.

Evaluations

104. The Senate amendment and the House bill have identical requirements that recipients of grants under subpart I (bilingual grants) provide the Secretary biennial evaluations of their programs, except the House bill, but not the Senate amendment, refers to the Goals bill.

The Senate recedes.

Part C (Subpart 3)—Bilingual Education Teacher Training

105. The House bill names the part, "bilingual education teacher training." The Senate amendment names the part "professional development."

The House recedes.

Purpose

106. The House bill describes the purpose of this part as helping all educational personnel to more effectively serve language minority and limited-English-proficient students. The Senate amendment similarly describes its purpose as helping all educational personnel by improving the quality of instruction for such children.

The Senate amendment also includes as its purpose dissemination of effective practices to other school personnel.

The Senate recedes with an amendment replacing this paragraph with: "The purpose of this part is to assist in preparing educators to improve the educational services to limited-English-proficient children and youth by supporting professional development programs and the dissemination of information on appropriate instructional practices for such children and youth."

Training for all Teachers Program

107. The House bill authorizes "training for all teachers programs", to help institutions of higher education, local educational agencies and state educational agencies improve their teacher preparation courses. It makes eligible those entities specified above, along with non-profit organizations in consortia with one of the above. Grants are for 5 years. Permissible activities are described and a priority for awards is established.

The Senate recedes with an amendment striking language minority; adding "preservice and inservice professional development" before "programs for teachers"; adding "in order to prepare such personnel to provide effective services to limited-English-proficient students" at the end of the sentence; replacing "the Secretary shall" with "the Secretary is authorized to"; striking "or organizations" in the authorization paragraph; and striking the "Priority" paragraph.

Bilingual Education Teachers and Personnel Grants

108. The House bill authorizes "bilingual education teachers and personnel grants" to provide degree programs for all levels of educational personnel. Higher Education Institutions in consortia with local or State educational agencies are eligible for 5-year grants.

The Senate recedes with the amendment on the bilingual education teacher and personnel grants.

109. The House bill authorizes a "bilingual education career ladder program" for non-certified educational personnel. Institutions of higher education, applying in consortia with local or State educational agencies, are eligible for the 5-year grants. Authorized activities are described and special consideration is to be given to applications emphasizing the completion of degrees or certificates, the development of two languages, the coordination with other named programs and the provision of student aid to participants.

The Senate recedes with an amendment to (b) striking "shall" and adding "is authorized to".

Professional Development Grants

110. The Senate amendment authorizes "professional development grants" to two types of entities: (1) to institutions of higher education to help them improve teacher preparation activities and to help them offer preservice and in-service professional development; (2) to state and local educational agencies for inservice programs for professional development. The grants may be used for the development of competence in a second language.

The House recedes with an amendment striking the Senate language for (a) and (b), adding to (c) "for the use in instructional programs" and moving (c) to section 7310.

111. The House bill, but not the Senate amendment, specifies a minimum number of fellowships that must be awarded in each year.

The Senate recedes.

112. The House bill, but not the Senate amendment, makes clear that working as a bilingual education teacher qualifies as a related activity.

The Senate recedes.

113. The House bill, but not the Senate amendment, allows the Secretary to give added weight to applicants which help participants find employment in bilingual education.

The Senate recedes.

Applications

114. The House bill requires that the application be sent to the Secretary and to the State educational agency or Board for higher education. The Senate amendment makes eligible institutions of higher education and local educational agencies, and requires that the application be sent through the State educational agency to the Secretary.

The House recedes with the amendment on the application provision.

115. The Senate amendment, but not the House bill, requires that the applicant describe its consultation and assessment activities.

The House recedes.

116. The Senate amendment, but not the House bill, requires that the applicants provide a training practicum.

The House recedes.

117. The House bill provides for, but does not require, the State agency to comment on how the application furthers State reform efforts. The Senate amendment requires the State agency to comment on how the proposal is consistent with the State plan submitted under Title I.

The House recedes with an amendment on the application.

118. The House bill makes eligible institutions of higher education, alone or in consortia. The Senate amendment makes eligible institutions of higher education or local educational agencies.

The Senate recedes with an amendment to (b) striking "Eligible Entities" and adding "Special Consideration" in the heading; striking paragraph (1) and replacing it with paragraph (2). Paragraph (3) is renumbered Paragraph (2).

119. The House bill, but not the Senate amendment, requires outreach activities to certain institutions.

The Senate recedes.

120. The House bill, but not the Senate amendment, requires consideration of Hispanic serving institutions.

The Senate recedes.

121. The House bill, but not the Senate amendment, requires that applicants show integration with the State plan, if one exists.

The House recedes.

122. The House bill, but not the Senate amendment, requires preference be given to applicants showing institutional commitments in bilingual education and for programs which ensure participants (other than fellowship programs) become proficient in English and a second language.
The House recedes.

Program Requirements

123. The House bill, but not the Senate amendment, states funds under this Part shall be used to further state and local certification requirements and wherever possible awarding college credit.
The Senate recedes.

Program Evaluations

124. The Senate amendment and the House bill (see note #107) have identical requirements that recipients of grants provide the Secretary biennial evaluations of their programs. Technical difference regarding placement.
The Senate recedes.

Part D (Part C)—Administration

125. The House bill, but not the Senate amendment, establishes an Office of Bilingual Education and Minority Affairs within the Department of Education and describes functions to be carried out by that office.
The Senate recedes with placement to be determined by legislative counsel.

126. The House bill requires the Director to submit every two years a report to Congress, the President, the Governors and the clearinghouse which includes information on activities carried out under this Title, a synthesis of data reported by the State, the number of certified bilingual education personnel, and recommendations for improvements.
The Senate recedes with an amendment striking Congress, the President, and the Governors and adding the House Education and Labor Committee and the Senate Labor and Human Resources Committee and the Secretary.
The Senate amendment requires the Secretary to submit every three years a report to the Congress with information on grants made, the number of individuals benefiting from programs, evaluation of activities and the number of bilingual teachers needed, a syntheses of research.
The Senate recedes.

127. The House bill, but not the Senate amendment, requires a report on the education of students who reside in border states.
The House recedes.

128. The House bill, but not the Senate amendment, requires the Secretary of Education to collaborate with other agencies on how to better serve limited-English-proficient children.
The Senate recedes with an amendment deleting last sentence.

129. The House bill, but not the Senate amendment, requires data on limited-English-proficient children be a part of the Department's record-keeping.

The Senate recedes.

130. The House bill, but not the Senate amendment, requires sufficient staffing within OBEMLA.

The Senate recedes.

131. The House bill requires the Secretary to use qualified persons who are not employees of the Federal government for reviewing applications and that they serve for 3 years. The Senate amendment allows the Secretary to use peer review panels for making grants under Part A and limits the amount of funds to be used for this activity.

The House and Senate both recede and agree to place language in the Statement of Managers on application readers.

132. The Senate amendment, but not the House bill, requires the Secretary to take into account State educational agency recommendations for Part A grants.

The House recedes with an amendment attached on the following two pages.

133. The House bill, but not the Senate amendment requires that requests for proposals be published.

The Senate recedes.

Release Time

134. The House bill, but not the Senate amendment, requires Secretary to permit release time in all professional development programs.

The Senate recedes with an amendment replacing the sentence with "The Secretary shall allow professional development programs funded under this part to use such funds for professional release time to enable participation in programs assisted under this part."

Educational Technology

135. The House bill, but not the Senate amendment, allows funds to be used for the purchase of educational technology.

The Senate recedes.

Notification

136. The House bill, but not the Senate amendment, requires notification of grants.

The Senate recedes with an amendment to strike the reference to the technical assistance centers.

Continued Eligibility

137. The House bill, but not the Senate amendment, allows grant recipients to be eligible for additional grants.

The Senate recedes.

Limitation of Authority

138. The House bill, but not the Senate amendment, prevents the Secretary from imposing restrictions on availability of funds.

The House recedes.

139. The House bill, but not the Senate amendment, requires that recipients of grants awarded prior to enactment of this bill, be subject to the original conditions set forth.

The Senate recedes with an amendment placing a period after the second award and deleting the rest of the sentence.

Foreign Language Assistance Program

140. The Senate amendment, but not the House bill, authorizes $35m for grants to State educational agencies and local educational agencies to develop model programs for foreign language of which $20 million is for elementary and secondary education.

The House recedes.

Special Rule

141. The Senate amendment, but not the House bill, prohibits grants made under Title VII, prior to enactment of this Act, from being renewed for a fourth or fifth year.

The Senate recedes.

Emergency Immigrant Education Program

The House bill places this program in title VII; the Senate amendment places it in title IX.

The Senate recedes.

The Senate amendment, but not the House bill, establishes "findings."

The House recedes with an amendment adding "and" after (3) and changing (5) to (4).

Purpose

142. Identical provision, except the Senate amendment adds "definition" to the section heading.

The Senate recedes.

State Allocations

143. Identical provisions, except the Senate amendment includes the words, "in general", and includes subsection (e), "reservation of funds", in the amount excluded from state allocations.

The Senate recedes on (e). The title is left to legislative counsel.

144. The Senate amendment, but not the House bill, describes the manner in which the Secretary will award grants from the amount reserved in excess of a $50m appropriation.

The Senate recedes.

State Applications

145. Identical provisions, except the House bill, but not the Senate amendment, requires that the SEA plan describe how it is consistent with any plan developed under the Goals 2000 or Title I.

The House recedes with an amendment striking "and how program designs are consistent with other education improvement plans" and adding "and will coordinate with other programs under this Act, Goals 2000: Educate America Act, and other acts as appropriate."

146. Identical provisions, except the House bill, but not the Senate amendment, specifies that payments "with the exception of

payments reserved under section 7604(e)" will be distributed among the LEAs.

The Senate recedes.

147. The House bill, but not the Senate amendment, requires that any amount reserved by the SEA be awarded on the basis of merit.

The Senate recedes with an amendment adding "on a competitive basis" before "based on merit and need."

Administrative Provisions

148. The House bill stipulates the Secretary shall make payments to SEAs by no later than June 1st of each year; the Senate amendment stipulates SEAs shall by June 1st be informed of whether their application has been approved and if so, for how much.

The House recedes.

Uses of Funds

149. The Senate amendment, but not the House bill, includes under "uses of funds", basic instructional services.

The House recedes.

150. The Senate amendment, but not the House bill, states that nothing in this part shall restrict the children served, from being served in the same setting with other students with similar needs who are not immigrants.

The House recedes.

151. The Senate amendment, but not the House bill, states that "the State educational agency determines what information must be included in the biennial report."

The Senate recedes.

152. Identical provisions, but the House bill requires reports concerning programs under this "part", and the Senate amendment relates the requirement to Section 10701 (Part G) which provides the Secretary the authority to conduct evaluations of all programs.

The House recedes.

Authorization of Appropriations

153. The House bill authorizes an appropriation of $75m in FY 1995, with such sums in the following four years; the Senate amendment authorizes $150m in FY 1995, with such sums in the following four years.

The House recedes with an amendment to make the amount $100 million.

170. The Senate amendment, but not the House bill, requires that no federal, state or local government entity receiving federal funds, shall be prohibited from communicating with the INS about the immigration status of any alien.

The Senate recedes.

TITLE VIII—IMPACT AID

Title Heading

1. The House places Impact Aid in title VIII of ESEA. The Senate amendment authorizes the program in part A of title IX of ESEA.

The Senate recedes.

Findings

2. The House bill, but not the Senate amendment, contains findings.

The House recedes.

Purpose

3. The Senate amendment, but not the House bill, contains the phrase "because certain activities of the Federal Government place a financial burden on the local educational agencies serving areas where such activities are carried out".

The House recedes.

4. In paragraph (4), the Senate amendment, but not the House bill, refers to "or decreases".

The House recedes.

5. The House bill reads "Indian lands or who are defined in sections 2 and 3 of the Act of September 23, 1950 (Public Law 815, 81st Congress; 20 U.S.C. 631 et seq.)". The Senate amendment reads "Federal lands".

The House recedes.

Payments Relating to Federal Acquisition of Real Property

6. In paragraph (1)(C), the Senate amendment, but not the House bill provides that the assessed value aggregating 10 percent or more of the value of all property in the LEA may be determined for the year preceding or the year succeeding acquisition of the property by the Federal Government.

The House recedes.

7. The House bill provides that, if the Secretary determines that an LEA is eligible for a payment, then that agency shall be "paid the amount described in subsection (b).". The Senate amendment provides that the LEA shall be "eligible to receive for such fiscal year such amount as, in the judgement of the Secretary, is equal to the continuing Federal responsibility for the additional financial burden with respect to current expenditures placed on such agency by such acquisition of property.".

Senate recedes with amendment changing "paid" to "eligible to receive".

8. The House bill requires the Secretary to reduce an LEA's payment by the amount which the LEA received "from activities conducted on such property during the previous fiscal year.". The Senate amendment provides that the amount of the reduction shall be the amount received "during the previous fiscal year from activities conducted on such property.".

House recedes.

9. The Senate amendment, but not the House bill, provides that, for the purposes of clause (i), the amount of revenue from activities on the Federal property, by which the Secretary reduces an LEA's payment under subsection (a), shall not include payments from the Secretary of Defense to support the operation of domestic dependent elementary or secondary schools, or the provision of a free public education to dependents of members of the Armed Forces residing on or near a military installation.

House recedes.

10. The House bill reads "In calculating the amount that a local educational agency shall be paid for a fiscal year,". The Senate amendment reads "In making a determination of the amount that would have been derived in such year under paragraph (1)(A),".

The Senate recedes with amendment changing "paid" to "eligible to receive".

11. In paragraph (1), the House bill provides that "The school district contains between 50,000 and 55,000 acres of land". The Senate amendment provides that "The school district contains between 20,000 and 60,000 acres of land".

The House recedes.

12. In paragraph (2), the House bill reads "a county chartered by State law in 1875". The Senate amendment reads "a country certified by State law in 1875 and 1890".

The Senate recedes.

13. The Senate amendment, but not the House bill, in subsection (f) includes a special rule making the Wheatland R-II School District eligible for a section 2 payment under current law and a section 9003 payment under the bill (i.e., 9002 under the Senate amendment or 9003 under the House bill).

The House recedes.

Payments for Eligible Federally Connected Children

14. In subparagraph (A), the Senate amendment, but not the House bill, includes students who resided on Federal property with a parent who is an accredited foreign official and military officer among the types of students that may be counted by LEAs for the purpose of determining the amount of payments.

The House recedes.

15. In subparagraph (D), the Senate amendment, but not the House bill, includes students who resided off Federal property with a parent who is an accredited foreign official and military officer among the types of students that may be counted by LEAs for the purpose of determining the amount of payments.

The House recedes.

16. In subparagraph (F), the Senate amendment, but not the House bill, includes students who resided on Federal property and are not described in subparagraph (A) or (B).

The House recedes with an amendment providing that (i) an LEA can receive a payment if these federally connected children (described in subparagraphs (F) and (G) equal or exceed 2,000 in number and that number of federally connected children comprises not less than 15% of the average daily attendance of the LEA.

17. In subparagraph (G), the Senate amendment, but not the House bill, includes students who, resided with parents employed on Federal property situated—(i) in whole or in part in the county in which the school district is located, or in whole or in part of the school district if the district is located in more than one county; or (ii) if not in such county or district, in whole or in part of the same State as the school district. (Note: "school district" and "district" should be "local educational agency" and "agency".)

The House recedes (see note above regarding subparagraph (F)).

18. The House bill, but not the Senate amendment, provides (in subparagraph (C)) that the Secretary calculate an LEA's basic support payment by multiplying the number of children described in subparagraphs (A) and (B) of paragraph (1) by a factor of .35 if the number of such children exceeds 6,500 and the average daily attendance of the LEA exceeds 100,000.

The Senate recedes.

19. The House bill provides that the Secretary multiply the number of children described in subparagraphs (D) and (E) of paragraph (1) by a factor of .20. The Senate amendment has a factor of .10.

The House recedes.

20. the Senate amendment, but not the House bill, provides that the Secretary multiply the number of children described in subparagraphs (F) and (G) of paragraph (1) by a factor of .05.

The House recedes.

21. The House bill uses the term "entitled". The Senate amendment uses the term "eligible".

The House recedes.

22. In subclause (II), the Senate amendment, but not the House bill refers to total current expenditures "in the second preceding fiscal year for which the determination is made".

The House recedes.

23. the Senate amendment, but not the House bill, directs the Secretary to compute the Learning Opportunity Threshold for the LEA serving students residing on Hascom Air Force Base (MA) by considering only the grade 9–12 portion of the LEA's total enrollment.

The House recedes.

24. The bills contain similar provisions relating to prior year data. The House bill reads "from the fiscal year preceding". The Senate amendment reads "from not later than the first fiscal year preceding".

The House recedes with an amendment providing that a new local educational agency, in its first year of operation, will use current year data and, in succeeding years, will use prior year data.

25. With regard to computing the amount of payments to LEAs for children with disabilities, the Senate amendment, but not the House bill, in subsection (d)(1)(A) provides that the computation include the children described in subparagraph (A)(ii) of subsection (a)(1).

The House recedes.

26. The House bill provides that the hold-harmless provisions of subsection (e) apply to the total amount that an LEA receives

under subsections (b) and (f). The Senate amendment applies the hold-harmless to the amount received by an LEA under subsection (b) only.

The House recedes.

27. The House bill provides for the following hold-harmless percentages which are all tied to LEAs' section 3(a) payment in FY 1994: 80% in FY 1995; 60% in FY 1996; 40% in FY 1997. The Senate amendment provides for a 5 year rolling hold-harmless, for FY 1995, at 95% of the LEA's 1994 payments under all parts of section 3 of P.L. 81–874 and, for FYs 1996–1999, 95% of the LEA's prior year Basic Support Payment.

The House recedes with an amendment changing the hold harmless from 95 to 85 percent and providing that in fiscal year 1995 that the hold harmless applies only to "a" and "b" payments under section 3 of P.L. 81–874.

28. The Senate amendment, but not the House bill provides that the hold-harmless provisions in paragraph (1) shall apply to any one LEA for a maximum of two consecutive fiscal years, except that in the second such year, the LEA may not receive less than 85% of the amount that it received in the preceding fiscal year.

The House recedes with an amendment adding one year hold harmless provisions for (i) LEAs which, under current law, received a section 3(e) payment in fiscal year 1994 and (ii) LEAs that received section 3 funding in fiscal year 1994 but will not be eligible for a payment under section 8003 because they cannot meet the 2,000/15 percent threshold for payment on behalf of children of nonmilitary parents who either live or work on Federal property (but not both).

29. The House bill provides that the "Secretary shall reduce payments to other LEAs determined under subsection (b)." The Senate amendment provides that the "If necessary . . . the Secretary first shall ratably reduce payments under subsection (b) to LEAs that do not receive a payment under this subsection."

The House recedes.

30. The Senate amendment, but not the House bill, provides that if additional funds become available for making payments under paragraph (1), payments that were reduced under clause (i) shall be increased on the same basis that they were reduced.

The House recedes.

31. In subparagraph (B), the Senate amendment, but not the House bill, provides: in clause (i) for further ratable reductions if the sums available for payments are insufficient after the application of subparagraph (A); and in clause (ii) that payments that were reduced under clause (i) shall be increased in the same manner should additional funds become available.

The House recedes.

32. Paragraph (2)(A)(i) of the House bill refers to "40 percent". Paragraph (2)(A)(i)(I) of the Senate amendment refers to "50 percent".

The Senate recedes with an amendment providing that the eligibility threshold shall be 40 percent if an LEA receives no funding on behalf of children described in section 8003(a)(1) (F) and (G), or 50 percent if an LEA receives funding on behalf of those federally connected children.

33. Subparagraph (C) of the House bill includes the phrase "or included Federal property under exclusive Federal jurisdiction." Subparagraph (A)(iii) of the Senate amendment does not.

The House recedes.

34. Subparagraph (B) of the Senate amendment, but not the House bill, contains provisions relating to LEAs which are found by the Secretary not to be comparable due to unusual geographical factors.

The House recedes.

35. Subparagraph (C) of the Senate amendment, but not the House bill, provides that a coterminous LEA shall be deemed to have met the tax effort requirements of eligibility under clause (i)(II) or (ii)(II) of subparagraph (A).

The House recedes.

36. Subclause (I) of the House bill requires the Secretary to use the average per pupil expenditure (APPE) of the State in which the LEA is located or of all the States. The Senate amendment requires the Secretary to use just the APPE of the State in which the LEA is located.

The Senate recedes.

37. In clause (ii), the House bill reads "the average amount of State aid per pupil received by the local educational agency". The Senate amendment reads "the total amount of general fund revenues received by the local educational agency from any general fund source per pupil, other than revenues provided under this subsection".

The Senate recedes. The managers urge the Secretary, when determining a local educational agency's payment calculation under subsection (f), to adjust the LEA's general fund revenue to account for such agency's capital outlay expenditures when there is no provision to provide for a dedicated revenue source for capital outlay and the agency's capital outlay expenditures are funded from general fund sources.

38. In clause (iii), the House bill reads "the sum of the total weighted units of the local educational agency, as computed under subsection (a)(2)". The Senate amendment reads "the total number of students in average daily attendance of the local educational agency".

The House recedes with an amendment adding "as determined by the Secretary under subsection (a)(1) of section 8003".

39. In clause (iv), the House bill refers to "94 percent". The Senate amendment refers to "95 percent".

The House recedes.

40. The Senate amendment, but not the House bill, provides: in clause (i) that the product of the clause (i) computation is multiplied times the number of students served by the LEA and described in subparagraph (A) or (B) of subsection (a)(1); and in clause (ii) that the payment that an LEA described in clauses (ii) and (III) of paragraph (2)(A) receives in a fiscal year is the amount described in clause (i) minus the amounts of its basic payment and its payment for children with disabilities.

The Senate recedes.

41. In paragraph (4)(A), the House bill reads "data from the fiscal year in which". The Senate amendment reads "student and revenue data from the fiscal year for which".

The House recedes.

42. In subparagraph (B), the House bill (in so many words) provides that the Secretary shall use the most recent data available which is adjusted to the current fiscal year. The Senate amendment contains a similar but more specific provision describing how such data is adjusted.

The Senate recedes.

43. Paragraph (5) of the Senate amendment, but not the House bill, provides that FY 1994 section 3(d)(2)(B) payments shall be made on the basis of 1994 (i.e., current year) data.

House recedes with an amendment moving this provision to Title V (Miscellaneous Provisions) of the bill.

44. The Senate amendment, but not the House bill in subsection (g) provides for additional payments for LEAs with high concentrations of children with disabilities.

The House recedes.

45. The Senate amendment, but not the House bill, in subsection (h) provides that an LEA that receives funds under this section may also receive funds under section 6 of current law or its successor authority.

The House recedes.

46. The Senate amendment, but not the House bill, in subsection (i) sets out a local maintenance of effort requirement of 90 percent.

The House recedes.

Policies and Procedures Relating to Children Residing on Indian Lands

47. The Senate amendment, but not the House bill, in subsection (e) provides for a process under which an Indian tribe may file a complaint with the Secretary regarding any action of an LEA related to the requirements of this section.

The House recedes.

Application for Payments under Sections 8003 and 8004

48. The Senate amendment, but not the House bill, in paragraph (4), provides that an SEA that had been accepted as an applicant for funds under section 3 of current law in fiscal year 1994 shall be permitted to continue as an applicant under the same conditions only if the SEA distributes all funds to the LEAs providing educational services.

House recedes.

Payments for Sudden and Substantial Increases in Attendance of Military Dependents

49. In paragraph (2), the House bill reads "between July 1 and September 30, inclusive, of the current school year". The Senate amendment reads "between May 15 and September 30, inclusive, of the fiscal year for which the determination is made".

The House recedes.

50. In subsection (d), the House bill directs the Secretary to pay each LEA with an approved application the same amount per child (not to exceed $200) multiplied by the number of children determined for each such LEA. The Senate amendment directs the Secretary to pay each LEA with an approved application an amount equal to one-half the national average per-pupil expenditure multiplied by the number of children determined for each such LEA.

The House recedes.

51. The Senate amendment provides—(1) for prorated payments if the appropriation is insufficient to support full payments; and (2) that if additional funds become available, payments shall be increased in the same manner that they were prorated.

The House recedes.

52. In subsection (e)(1), the House bill requires the Secretary to "endeavor" to establish a notification process, whereas the Senate amendment requires the Secretary to simply establish a notification process (i.e., no "endeavor").

The House recedes.

Construction

53. The Senate amendment, but not the House, bill authorizes the Secretary to make grants for school construction to LEAs that receive a basic support payment under section 9003 and either (1) have a number of children residing on Indian lands that constituents at least 50% of the LEAs student enrollment, (2) are heavily impacted LEAs, or (3) experience a sudden and substantial increase in military dependent children. The Senate amendment also provides for the amount of payments and use of funds.

The House recedes with an amendment adding an additional category of LEAs eligible for construction assistance.

54. The Senate amendment, but not the House bill, includes a special rule for the Winona R–III School District in Missouri which waives the P.L. 81–815 effort requirement.

The House recedes with an amendment moving this provision to Title V (Miscellaneous) of the bill.

State Consideration of Payments in Providing State Aid

55. The House bill prohibits States from considering Impact Aid payments in determining the eligibility of LEAs for State aid or in determining the amount of such aid (except for those States with approved equalization plans). The Senate amendment provides that no payments may be made under this title (should be "part") to any LEA in any State that takes Impact Aid into consideration in determining the eligibility of LEAs for State aid or in determining the amount of such aid to any LEA during that fiscal year or the preceding fiscal year.

The Senate recedes with an amendment substituting its provision, regarding State consideration of Impact Aid payments in providing State aid, for the House provision regarding reductions of State aid.

56. In subsection (b)(1), the House bill permits a State to reduce State aid to an LEA that receives a payment under section 8003 and 8004(b) (except the amount calculated in excess of the 1.0

student weighting) if the State has in effect a program of State aid that equalizes expenditures among LEAs in the State. Paragraph (2) of the House bill provides that, in considering whether a State aid program is equalized, the Secretary shall disregard LEAs with per-pupil expenditures or revenues above the 95th percentile and below the 5th percentile. A program of State aid equalizes expenditures among LEAs if, in the second preceding fiscal year, the amount of disparity between the per-pupil expenditures or revenues of the remaining LEAs does not exceed 10 percent. Computations to determine the amount of disparity in a State aid program shall utilize any weighting mechanism that a State uses to take into account special cost differentials in allocating State aid. The Senate amendment takes a different approach by providing that a State, which has in effect a program of State aid designed to equalize expenditures among its LEAs, may take into account payments under this title, except for amounts calculated in excess of the 1.0 student weighting on behalf of children with disabilities, children on Indian lands, and heavily impacted LEAs. Additionally, the Senate amendment provides that "State aid" and "equalize expenditures" will be defined by the Secretary except that they shall not be construed in any manner adverse to a State aid program which takes into account the additional cost of providing education for particular groups or categories of pupils in meeting the special educational needs of such children.

The Senate recedes with an amendment—(i) clarifying that computations of per-pupil revenue or current expenditures may be based upon units of need as defined by the State; and (ii) providing that, for fiscal years 1995, 1996, and 1997, the disparity standard is 25 percent and, or fiscal years 1998 and 1999, the disparity standard is 20 percent.

57. Both the House bill and the Senate amendment have provisions relating to review of State aid programs. The House provisions are in subsection (c); the Senate provisions are in subsection (b)(4). The House bill requires 120-day written notice to the Secretary which includes the information the Secretary requires, including evidence that the State has notified each LEA of its intention to consider Impact aid payments in providing State aid. The Senate amendment has similar requirements except that the State must provide a 60-day notice to the Secretary (does not specify written notice).

The Senate recedes.

58. The House bill proves that: (i) before making a determination, the Secretary shall afford the State and local educational agencies in the State an opportunity to present their views; (ii) if the Secretary determines that a State aid program qualifies, the Secretary shall certify program, notify the State, and afford an opportunity for a hearing to any adversely affected LEA; and (iii) if the Secretary determines that a State aid program does not qualify, the Secretary will notify the State and afford a hearing to the State and any adversely affected LEA. The Senate amendment provides: (i) in paragraph (4)(B) that prior to certifying any determination, the Secretary shall give the LEAs in the State an opportunity for a hearing at which such agencies may present their views; and (ii) in paragraph (4)(C) that the Secretary shall not finally deny

certification to a State without first giving that State an opportunity for a hearing.

The Senate recedes.

59. The Senate amendment, but not the House bill, in subsection (b)(5) requires retroactive approval of a State aid program during the period 1989–92 if the State's program was approved in 1988 and in at least 1 year during the period 1989–92. This paragraph also provides that, beginning with FY 1993, such State shall not take payments under this title into consideration unless the Secretary has previously certified such State's program.

The Senate recedes.

60. The Senate amendment, but not the House bill, in subsection (b)(6), grandfathers in States with State aid programs approved by the Secretary on July 1, 1994 and which continue to meet the requirements of section 5(d)(2) of the current law.

The Senate recedes.

61. The House bill, in subsection (d), provides how, and in what amount, the State may take Impact Aid payments into consideration in reducing State aid. Additionally, the House bill provides that a State may not reduce State aid before its program of State aid has been certified by the Secretary. The Senate amendment, in subsection (b)(2) provides for similar exclusion of certain types and portions of Impact Aid payments.

The Senate recedes.

62. The House bill, but not the Senate amendment, in subsection (e), provides: (i) that an LEA, without exhausting administrative remedies, may bring an action in Federal district court for State violations; (ii) that a State shall not be immune under the 11th amendment from an action brought by an LEA; and (iii) that the court shall grant such relief as it deems appropriate, which may include attorney's fees to a prevailing LEA.

The Senate recedes with an amendment—(i) providing that neither the Secretary nor an aggrieved LEA may bring an action before 150 days following an adverse determination against a State for a violation of subsections (a) or (d)(2), or for failure to carry out an assurance under subsection (b)(3)(B); and (ii) striking attorney's fees.

Federal Administration

63. The Senate amendment, but not the House bill, provides: (i) in paragraph (1), that, for any fiscal year prior to FY 1995, Secretary shall treat as eligible under section 3 of current law any child that meets the requirements of paragraph (3) and shall forgive the obligation of any LEA to repay any amounts that LEA received on behalf of any such child who does not meet the requirements of section 3 (but does satisfy paragraph (3) of this subsection); (ii) in paragraph (2)(A), that the Secretary shall treat as eligible under subparagraph (A) of section 9003(a)(1) any child would be eligible except that the Federal property on which the child resides is not in the same State and who satisfies paragraph (3) of this subsection; (iii) in paragraph (2)(B), that the Secretary shall treat as eligible under paragraph (G) of section 9003(a)(1) any child would be eligible under such provision except that such child does not meet the requirements of clause (ii) of such subparagraph

if such child satisfies paragraph (3) of this subsection; and (iv) in paragraph (3), that a child meets the requirements of this paragraph on the day preceding the date of enactment [of the Improving America's Schools Act of 1994?] if such child resides in an adjacent State or with a parent employed on Federal property in an adjacent State, the schools of the LEA the child attends are within a more reasonable commuting distance of the child's home that the schools of the LEA where the child resides, attending the schools of the LEA where the child resides will cause the child substantial hardship, and the adjacent State where the child attends school provides funds for the education of such child on the same basis as all other public school children in the State.

The House recedes with an amendment providing that, in order to qualify under this provision, an LEA must have received a payment for fiscal year 1994 on behalf of such children.

Forgiveness of Overpayments

64. The Senate amendment, but not the House bill, authorizes the Secretary to forgive the obligation of an LEA to repay the amount of any overpayment under this title [part?] or under current law if the Secretary determines that the overpayment was the result of an error by (1) the Secretary, or (2) the LEA and repayment of the full amount will result in an undue hardship and serious harm to the LEA's educational program.

The House recedes.

Definitions

65. The Senate amendment, but not the House bill, includes a definition of "current expenditures".

The House recedes.

66. At the end of subparagraph (B), the House bill, but not the Senate amendment, includes the phrase "under contract with the Air Force at an airport owned by a State or political subdivision of a State".

The Senate recedes.

Authorization of Appropriations

67. The House bill authorizes appropriations for Basic Payments in subsection (b) ($775.5 million in FY 1995) and for Payments for Heavily Impacted LEAs in subsection (d) ($42 million in FY 1995). The Senate amendment authorizes appropriation for both of these payments in subsection (b)—$775 million for FY 1995 of which 6 percent is set aside for Payments for Heavily Impacted LEAs.

The House recedes.

68. The Senate amendment, but not the House bill, authorizes $25 million for FY 1995 and such sums for each of the succeeding 4 fiscal years to carry out section 9007 (construction).

The House recedes.

TITLE III—AMENDMENTS TO OTHER ACTS

Amendments to Public Law 815

69. The House bill extends and amends the Impact Aid construction program (P.L. 81–815) for an additional five fiscal years. The Senate amendment repeals P.L. 81–815.

The House recedes.

TITLE IX—INDIAN EDUCATION, NATIVE HAWAIIAN EDUCATION, AND ALASKA NATIVE EDUCATION

Part A—Indian Education

1. DRAFTING DIFFERENCES.—The House bill is drafted in prose; the Senate amendment is drafted as a series of cut and bites. Where there is a difference but it is not substantive, I have indicated with Technical Difference/Drafting. Also, the Senate uses headings throughout—this should be resolved consistently.

The Senate recedes to the House bill as the basic document, with an amendment retaining headings throughout.

Findings

2. The House bill uses the term "and others"; the Senate amendment uses the term "other entities and individuals". Also, the House bill uses the term "those standards"; the Senate bill uses the term "such standards".

Legislative Counsel.

3. The House bill uses the term "since enactment of the original Indian Education Act in 1972"; the Senate amendment uses the term "since the date of enactment of the initial Indian Education Act in 1972". Also, the House bill uses the term ". . . Indian parents have become significantly more involved in . . ."; the Senate amendment uses the term "the level of involvement of Indian parents . . . has increased significantly . . .".

Legislative Counsel.

4. The House bill uses the term "numbers . . . have"; the Senate amendment uses the term "number . . . has". Also, the House uses the term "Indian persons"; the Senate uses the term "Indian individuals".

Legislative Counsel.

5. The House bill uses the term "sufficient numbers"; the Senate amendment uses the term "a sufficient number".

Legislative Counsel.

6. The House bill uses a semi-colon; the Senate amendment uses a comma.

Legislative Counsel.

7. The House bill uses the phrase "from 1980 to 1990, the percentage of Indian persons living in poverty increased from . . ."; the Senate amendment uses the phrase "during the period from 1980 to 1990, the percentage of Indian individuals living at or below the poverty level increased from . . .".

Legislative Counsel.

8. The Senate amendment, but not the House bill, uses the term "their".

Legislative Counsel.

9. The House bill uses the term "of it"; the Senate uses the term "of the research". Other Minor technical differences.

Legislative Counsel.

Purpose

10. The House bill uses the term "so that they"; the Senate amendment uses the term "so that such students".

Legislative Counsel.

Part A—Formula Grants to Local Educational Agencies

Purpose

11. The House bill uses the term "State content and student performance standards"; the Senate amendment uses the term State content standards and State student performance standards".

The House recedes.

Grants to Local Educational Agencies

12. The House bill uses the term "is eligible"; the Senate uses the term "shall be eligible". Also, the Senate amendment, but not the House bill, adds the requirement that the children be "eligible under section 6106".

The House recedes.

13. The House bill requires at least 20 students; the Senate amendment requires at least 10 students.

The House recedes with an amendment that this requirement not apply in Alaska, California, or Oklahoma or for local educational agencies located on, or in proximity to, a reservation.

14. The House bill uses the term "of the agency's total enrollment"; the Senate amendment uses the term "of the total number of individuals enrolled in the schools of such agency".

Legislative Counsel.

15. The Senate amendment, but not the House bill, provides a tribal by-pass mechanism where school districts do not apply for the funds.

The House recedes with an amendment which (1) changes the term "does not apply" to "does not establish a parent committee as required by this Act; and (2) deletes "has" in the term "has children" and substitutes in lieu thereof the term "represents at least ½ the eligible".

Amount of Grants

16. The Senate amendment, but not the House bill, adds the phrase, "Except as provided in subsection (b) and paragraph (2)," Also, the House bill uses the term "The Secretary is authorized to allocate . . ."; the Senate amendment uses the term "The Secretary shall allocate".

The House recedes.

17. The House bill uses the term "which has an approved application under this part"; the Senate amendment uses the term "with respect to which the Secretary has approved an application under this part".

Legislative Counsel.

18. The House bill uses the term "described in section 6106"; the Senate amendment uses the term "who are eligible under section 6106 and served by such agency".

Legislative Counsel.

19. The House bill stipulates that no grant shall be made if the amount for which a l.e.a. is eligible is less than $4,000, unless to a consortium of eligible local educational agencies whose aggregate payment exceeds $4,000 and where the Secretary determines the grant would carry out the purpose of this part; the Senate amendment sets a minimum grant level of $4,000 for all eligible local educational agencies or Indian tribes (includes schools funded by the Bureau of Indian Affairs) (see Note 15).

The House recedes with an amendment which sets the floor at $3,000, provided that the Secretary is authorized to increase the floor to $4,000 if he/she determines it is necessary to run quality programs, and with an amendment maintaining the right to form consortia.

20. Technical Difference/Drafting—states method of arriving at product differently.

Legislative Counsel.

21. The House uses the term "were in"; the Senate amendment uses the term "were included in".

Legislative Counsel.

22. The House bill uses the term "grants determined"; the Senate amendment uses the term "grants awarded". Also, the Senate amendment, but not the House bill, includes the caveat "and subject to paragraph (2)".

Legislative Counsel.

23. The House bill uses the term "that tribe"; the Senate amendment uses the term "such tribe." Also, the House bill uses the citation "25 U.S.C. 2501 et seq."; the Senate amendment uses the term "part B of title V of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988".

Legislative Counsel.

24. The House uses the term "reduced as may be necessary"; the Senate amendment uses the term "subject to any reduction as may be necessary".

Legislative Counsel.

25. The House bill cites "section 9205 of this Act"; the Senate amendment cites section 10205.".

Legislative Counsel.

Applications

26. The House uses the title "GENERAL"; the Senate uses the title "APPLICATION REQUIRED". Also, the House bill uses the term "Any"; the Senate amendment uses the term "Each".

The House recedes.

27. The House bill reads "Each such application . . . . Indian children in the local educational agency, including their language and cultural needs . . ."; the Senate amendment reads "Each application submitted under subsection (a) . . . Indian children served by the local educational agency, including the language and cultural needs of the children . . .".

Legislative Counsel.

28. The House bill, but not the Senate amendment, requires that the application be consistent with State GOALS 2000 plans or other plans developed under title I of this Act.

The House recedes with an amendment.

29. The House bill, but not the Senate amendment, requires applications to include academic content and student performance goals for such children as benchmarks, basing same on GOALS 2000 or under title I of this Act.

The Senate recedes with an amendment.

30. The House bill reads "demonstrates how funds under this part will be used for activities authorized by section 6105"; the Senate amendment reads "demonstrates how funds made available under this part will be used for activities described in section 6105."

Legislative Counsel.

31. The House bill uses the term "describes the professional development to be provided . . ."; the Senate amendment uses the term "describes the professional development opportunities that will be provided".

The House recedes.

32. The House bill uses the term "involved in the project . . . it out"; the Senate amendment uses the term "involved in the program assisted under this part . . . such program".

Legislative Counsel.

33. Technical difference/Drafting.

Legislative Counsel.

34. The House bill uses the term "in its schools"; the Senate amendment uses the term "enrolled in the schools of the local educational agency".

Legislative Counsel.

35. Technical Difference/Drafting.

Legislative Counsel.

36. The Senate amendment, but not the House bill, adds the term "that are similar to the assessments described in subparagraph (A)".

The House recedes.

37. The House bill uses the term "Each such application shall also include"; the Senate amendment uses the term "Each application submitted under subparagraph (a) shall include assurances that".

Legislative Counsel [NOTE—the term "subparagraph" should probably be "subsection"].

38. The Senate amendment, but not the House bill, includes the term "made available under this part".

The House recedes.

39. Technical Difference/Drafting.

Legislative Counsel.

40. The House bill uses the phrase "determine the extent to which funds provided under this part have been effective in improving the educational achievement of Indian students in the local educational agency"; the Senate amendment uses the phrase "determine the extent to which funds provided to the local educational

agency under this part are effective in improving the educational achievement of Indian students served by such agency".

Legislative Counsel.

41. The House bill uses the term "has been based upon"; the Senate amendment uses the term "is based upon". Also, the House bill uses the term "for which"; the Senate amendment uses the term "for whom".

Legislative Counsel.

42. Technical Difference/Drafting.

Legislative Counsel.

43. The House bill uses the term "the local educational agency has developed the program"; the Senate amendment uses the term "was developed by such agency". Also, the House bill uses the term "secondary school Indian students"; the Senate amendment uses the term "Indian students from secondary schools". Also, the House bill uses the term "where appropriate"; the Senate amendment uses the term "if appropriate". Also, the House bill uses the term "at which such persons have had a full . . ."; the Senate amendment uses the term "held by such agency to provide the individuals described in this subparagraph a full . . .".

Legislative Counsel.

44. Technical Difference/Drafting.

Legislative Counsel.

45. The House bill uses the term "parents"; the Senate bill uses the term "Indian parents". Also, the House bill uses the term "local educational agency's schools"; the Senate amendment uses the term "schools of the local educational agency".

The Senate recedes.

46. the House bill uses the term "where appropriate"; the Senate amendment uses the term "if appropriate". Also, the House bill uses the term "secondary school Indian students"; the Senate amendment uses the term "Indian students attending secondary school".

Legislative Counsel.

47. The House bill requires that at least ½ of the members of the Parent Committee be Indian [current law]; the Senate amendment increases this percentage to at least ¾ths.

The Senate recedes with an amendment changing "at least half" to "more than one-half".

48. Technical Difference/Drafting.

Legislative Counsel.

49. The Senate amendment, but not the House bill, requires that the Parent Committee review the schoolwide program.

The House recedes with an amendment that the review be in a timely fashion.

50. The House bill uses the term "finds that such project will not diminish . . ."; the Senate amendment uses the term "determined that the program will not diminish . . .".

The House recedes.

51. Technical Difference/Drafting.

Legislative Counsel.

52. The House bill, but not the Senate amendment requires the State Educational Agency to review all local applications and requires the local educational agency to forward to the Secretary any comments received.

The House recedes.

Authorized Services and Activities

53. The House bill uses the term "use the grant funds for services and activities, consistent with the purpose of this part"; the Senate amendment uses the term "use the grant funds, in a manner consistent with the purpose specified in section 6101, for services and activities".

Legislative Counsel.

54. Technical Difference/Drafting.

Legislative Counsel.

55. The Senate amendment, but not the House bill, adds the term "of such agency".

Legislative Counsel.

56. Technical Difference/Drafting.

Legislative Counsel.

57. The House bill uses the term "which support"; the Senate amendment uses the term "that support". Also, the House bill uses the term "set out in the application, as required in section 6104"; the Senate amendment uses the term "described in the application submitted by the local educational agency".

Legislative Counsel.

58. The House bill uses the term "State content and student performance standards"; the Senate amendment uses the term "State content standards and State student performance standards".

The House recedes.

59. The House bill uses the term "meeting similar needs"; the Senate amendment uses the term "that meet the needs of Indian children and their families".

The House recedes.

60. The House bill uses the term "as those supported"; the Senate amendment uses the term "as the programs supported". Also, the House bill uses the term "tech-prep"; the Senate uses the term "technical preparation".

The Senate recedes.

61. The House bill uses the term "prevention of, and education about, substance abuse"; the Senate amendment uses the term "activities to educate individuals concerning substance abuse and to prevent substance abuse".

Legislative Counsel.

62. The House bill uses the term "such acquisition", The Senate amendment uses the term "the acquisition of the equipment". Also, the House bill uses the term "of this part"; the Senate amendment uses the term "the purpose described in section 6101.".

Legislative Counsel.

63. The House bill uses the term "Notwithstanding any other provision of this part . . ."; the Senate amendment uses the term "Notwithstanding any other provision of law . . .". Also, the House

bill uses the term "funds it receives"; the Senate amendment uses the term "funds made available".

The House recedes.

64. The Senate amendment, but not the House bill, allows schoolwide projects only in schools with more than ½ Indian students. Also, the House bill requires that in any schoolwide project, the Secretary determine the school has made adequate provision for the participation of Indian students and parents; the Senate amendment requires the approval of the Indian parent committee.

The Senate recedes to the House by dropping the ½ Indian student requirement, and the House recedes to the Senate in requiring the approval of the Indian parent committee.

65. The House bill title is STUDENT ELIGIBILITY FORMS; the Senate amendment title is STUDENT ELIGIBILITY AND FORMS.

The Senate recedes.

66. Technical Difference/Drafting.

Legislative Counsel.

67. The House bill uses the term "is providing"; the Senate amendment uses the term "provides."

Legislative Counsel.

68. The House bill uses the phrase "as an eligible Indian child"; the Senate amendment uses the phrase "as an Indian child eligible for assistance under this part and that otherwise meets the requirements of subsection (b).".

Legislative Counsel.

69. The House bill uses the term "The Secretary shall request on the form required under subsection (a) at least the following information . . ."; the Senate amendment uses the term "The form described in subsection (a) shall include . . .".

Legislative Counsel.

70. The House bill, but not the Senate amendment, uses the term "other organized group". Also, Technical Difference/Drafting.

The House recedes.

While the selection of the term "or other organized groups" is consistent with the rewrite of the definition used in this title (see section 6601(4)), the Conferees wish to make clear that the deletion of the term, both here and in the definition, does not signal a change in policy. The Conferees have been assured that all students currently eligible for the program who have been included as a member of "an other organized group" may, with administrative clarification, continue to be served under the term "band". The change has been made at the request of the Administration, but only to clear up an administrative problem. The change should not result in any currently eligible student (or student who would be currently eligible if in school) from continuing to receive services.

71. See preceding note.

The House recedes.

72. See preceding note.

The House recedes.

73. The House bill uses the term "of any of the child's parents or grandparents"; the Senate amendment uses the term "of any parent or grandparent of the child".

Legislative Counsel.

74. See Note 70.

The House recedes.

75. The House bill uses the term "which the Secretary deems necessary"; the Senate amendment uses the term "that the Secretary considers necessary".

Legislative Counsel.

76. The House bill, but not the Senate amendment, contains a statement that nothing in these requirements shall affect the definition (see Note 80 for similar Senate provision).

The House recedes.

77. Technical Difference/Drafting.

Legislative Counsel.

78. See Note 70. Also, the House bill uses the term "Child's name"; the Senate amendment uses the term "name of the child". Also, the Senate amendment, but not the House bill, uses the term "with respect to which the child claims eligibility".

The House recedes to the question of "other organized group". The rest is for Legislative Counsel.

79. Technical Difference/Drafting.

Legislative Counsel.

80. The Senate amendment, but not the House bill, states that nothing in this subsection shall affect the definition (see Note 76 for similar House provision).

The House recedes.

81. Technical Difference/Drafting.

Legislative Counsel.

82. Technical Difference/Drafting.

Legislative Counsel.

83. See Note 70.

The House recedes.

84. The House bill uses the term "even if enrollment numbers of such tribe, band or groups are available."; the Senate amendment uses the term "notwithstanding the availability of an enrollment number for a member of such tribe, band or group.".

The House recedes.

85. Technical Difference/Drafting.

Legislative Counsel.

86. The Senate amendment, but not the House bill, uses the term "Notwithstanding any other provision of law,".

The Senate recedes.

87. The House bill uses the term "or be otherwise penalized"; the Senate amendment uses the term "be subject to any penalty". Also, the House bill uses the term "that relate"; the Senate amendment uses the term "that relates".

Legislative Counsel.

88. Technical Difference/Drafting.

Legislative Counsel.

89. Technical Difference/Drafting.

Legislative Counsel.

90. The House bill, but not the Senate amendment, uses the term "provided under this part". The Senate amendment, but not the House bill, uses the term "to the local educational agency."

The House recedes/the Senate recedes.

91. Technical Difference/Drafting.

Legislative Counsel.

92. The Senate amendment, but not the House bill, includes for the use of other forms in lieu of those required under the Act, schools which receive funding under the Johnson-O'Malley program of the B.I.A.

The House recedes.

The Conferees have agreed to this provision as a paperwork reduction measure. Acceptance does not signal a desire or willingness to accept the incorporation of this program into the Johnson-O'Malley program or administration of this program in public schools by the Bureau of Indian Affairs.

93. Technical Difference/Drafting.

Legislative Counsel.

94. Technical Difference/Drafting.

Legislative Counsel.

95. The House bill uses the term "in which the grant will be paid"; the Senate amendment uses the term "for which the Secretary makes the payment".

Legislative Counsel.

96. Technical Difference/Drafting.

Legislative Counsel.

97. The House bill uses the term "shall not pay any local . . ."; the Senate amendment uses the term "may not pay a local . . . amount of a grant award".

Legislative Counsel.

98. Technical Difference/Drafting.

Legislative Counsel.

99. The House bill, but not the Senate amendment, includes State expenditures in outlining the combined effort to be taken into account.

The Senate recedes.

100. Technical Difference/Drafting.

Legislative Counsel.

Part B—Special Programs and Projects to Improve Educational Opportunities for Indian Children

Improvement of Educational Opportunities for Indian Children

101. The House bill, but not the Senate amendment, uses the term "that are to". Also, the House bill contains an error—"text" should be "test".

The House recedes.

102. Technical Difference/Drafting.

Legislative Counsel.

103. The Senate amendment, but not the House bill, uses the term "For the purpose of this section, the term 'eligible entity' means a . . ." and states the entities in the singular.

Legislative Counsel.

104. Technical Difference/Drafting.

Legislative Counsel.

105. Technical Difference/Drafting.

Legislative Counsel.

106. The House bill lists the core curriculum subjects; the Senate amendment references the core academic subjects in Goal three of the GOALS 2000 legislation.

Senate recedes with an amendment.

107. The House bill uses the term "which meet"; the Senate amendment uses the term "that address".

Legislative Counsel.

108. The House bill uses the term "high school"; the Senate amendment uses the term "secondary".

The House recedes.

109. The House bill uses the term "services to"; the Senate amendment uses the term "the provision of services to".

Legislative Counsel.

110. The House bill uses the term "high school"; the Senate amendment uses the term "secondary".

The House recedes.

111. The House bill uses the term "them"; the Senate amendment uses the term "such students. Also, see preceding note.

The House recedes.

112. Technical Difference/Drafting.

Legislative Counsel.

113. Technical Difference/Drafting.

Legislative Counsel.

114. The House bill uses the term "other services which meet the needs of this section"; the Senate amendment uses the term "other services that meet the purpose described in subsection (a)(1)".

Legislative Counsel.

115. Technical Difference/Drafting.

Legislative Counsel.

116. Technical Difference/Drafting.

Legislative Counsel.

117. Technical Difference/Drafting.

Legislative Counsel.

118. Technical Difference/Drafting.

Legislative Counsel.

119. The Senate amendment, but not the House bill, requires that the material disseminated by "exemplary".

The House recedes.

120. The House bill requires that the Secretary make a finding; the Senate amendment requires the Secretary to make a determination. Also, the House bill requires that the material disseminated has shown certain properties; the Senate amendment requires that the material disseminated have demonstrated the same properties.

The House recedes.

121. The House bill uses the term "section"; the Senate amendment uses the term "subsection". Also, the House uses the term "Each application shall contain . . ."; the Senate amendment uses the term "Each application submitted to the Secretary under subparagraph (A) shall contain . . .".

Legislative Counsel.

122. Technical Difference/Drafting.

Legislative Counsel.

123. Technical Difference/Drafting.

Legislative Counsel.

124. The Senate amendment, but not the House bill, adds the term "to qualified Indian individuals to enable such individuals to become . . .".

The House recedes.

125. The House bill uses the term "of those presently serving in these capacities"; the Senate amendment uses the term "of qualified Indian individuals who serve in the capacities described in paragraph (2).".

Legislative Counsel.

126. Technical Difference/Drafting.

Legislative Counsel.

127. Technical Difference/Drafting.

Legislative Counsel.

128. The Senate amendment, but not the House bill, authorizes the Secretary to make grants under this provision to eligible entities.

The House recedes.

129. Technical Difference/Drafting.

Legislative Counsel.

130. The House bill uses the term "may include, but are not limited to,"; the Senate amendment uses the term "may include".

The Senate recedes.

131. Technical Difference/Drafting.

Legislative Counsel.

132. Technical Difference/Drafting.

Legislative Counsel.

133. The Senate amendment, but not the House bill, includes a requirement that entities desiring a grant under this provision provide an application.

The House recedes.

134. Technical Differences/Drafting.

Legislative Counsel.

135. Technical Difference/Drafting.

Legislative Counsel.

136. Technical Difference/Drafting.

Legislative Counsel.

137. Technical Difference/Drafting.

Legislative Counsel.

138. The House bill uses the term "mechanism"; the Senate amendment uses the term "a reporting procedure". Also, the House bill requires reporting to begin within 12 months; the Senate bill requires reporting periodically. Also, some Technical Differences/Drafting.

The House recedes.

Fellowships for Indian Students

139. The House bill, but not the Senate amendment, stipulates that "During each fiscal year ending prior to October 1, 1999", the Secretary is authorized to make fellowships.

The House recedes.

140. Technical Differences/Drafting.

Legislative Counsel.

141. Technical Difference/Drafting.

Legislative Counsel.

142. The House bill uses the term "to persons"; the Senate amendment uses the term "to Indian students".

The House recedes.

143. The House bill uses the term "their dependents"; the Senate amendment uses the term "dependents of such students". Also, Technical Difference/Drafting.

The House recedes.

144. The House bill, but not the Senate amendment, stipulates that payments to an institution are in lieu of tuition charged to the student. Also, Technical Difference/Drafting.

The Senate recedes.

145. Technical Difference/Drafting.

Legislative Counsel.

146. The House bill uses the term "By no later than the date that is 45 days before . . ."; the Senate amendment uses the term "Not later than 45 days before . . .". Also, Technical Difference/Drafting.

Legislative Counsel.

147. The House bill stipulates that not more than 10% of the fellowships can be awarded on a priority basis for persons receiving training; the Senate amendment stipulates that not more than 10% of the fellowships are provided to Indian students on a priority basis for the same training.

The Senate recedes.

148. The House bill uses the term "related work"; the Senate amendment stipulates that the work performed must be "related to the training" received. Also, Technical Differences/Drafting.

The House recedes.

149. See Note 138.

The House recedes.

150. The Senate amendment, but not the House bill, stipulates that the Secretary may administer this program through contract or grant or cooperative agreement with an outside, Indian entity with demonstrated capacity.

The House recedes.

Gifted and Talented

151. Technical Difference/Drafting.

Legislative Counsel.

152. The Senate amendment, but not the House bill, stipulates that the two grants are also for demonstration activities.

The House recedes.

153. Technical Difference/Drafting.

Legislative Counsel.

154. The House bill uses the term "are fully accredited"; the Senate amendment uses the term "are accredited by a State or regional accrediting agency or organization".

The Senate recedes.

155. Technical Differences/Drafting.

Legislative Counsel.

156. Technical Difference/Drafting.

Legislative Counsel.

157. Technical Difference/Drafting.

Legislative Counsel.

158. Technical Differences/Drafting.

Legislative Counsel.

159. The House bill uses the term "which hold reasonable promise"; the Senate amendment uses the term "that the Secretary determines holds a reasonable promise . . .".

Legislative Counsel.

160. The House bill uses the term "including, but not limited to"; the Senate amendment uses the term "including".

The Senate recedes.

161. The House bill cites subsection (c); the Senate amendment cites subsection (d).

Legislative Counsel.

162. Technical Difference/Drafting.

Legislative Counsel.

163. Technical Difference/Drafting.

Legislative Counsel.

164. The House bill uses the term "their families"; the Senate amendment uses the term "families of such children".

The House recedes.

165. The Senate amendment, but not the House bill, requires that each entity desiring a grant under this provision submit an application.

The House recedes.

166. The House uses the term "shall provide"; the Senate amendment uses the term "shall award".

Legislative Counsel.

167. Technical Difference/Drafting.

Legislative Counsel.

168. The House bill, but not the Senate amendment, has the word "regarding" after development.

The House recedes.

169. Technical Difference/Drafting.

Legislative Counsel.

170. Technical Difference/Drafting.

Legislative Counsel.

171. Technical Difference/Drafting.

Legislative Counsel.

172. Technical Difference/Drafting.

Legislative Counsel.

173. The House bill, but not the Senate amendment, stipulates that grants may be for one or more of the enumerated activities.

The Senate recedes.

174. Technical Difference/Drafting.

Legislative Counsel.

175. The House bill, but not the Senate amendment, requires that the definition of gifted and talented to be used in this and another provision be expeditiously developed.

The House recedes.

176. The House uses the term "Subject to the availability of appropriated funds . . ."; the Senate amendment uses the term "Subject to the availability of appropriations".

Legislative Counsel.

177. Technical Differences/Drafting.

Legislative Counsel.

178. Technical Difference/Drafting.

Legislative Counsel.

179. Technical Difference/Drafting.

Legislative Counsel.

180. The House bill, but not the Senate amendment, requires the Secretary of Education to report to the Secretary of the Interior and Congress on activities under this provision.

The Senate recedes.

181. Technical Differences/Drafting.

Legislative Counsel.

182. Technical Differences/Drafting.

Legislative Counsel.

183. Technical Differences/Drafting.

Legislative Counsel.

184. The House bill uses the term "persons to whom a grant is made, or with whom a contract is entered into,"; the Senate amendment uses the term "each recipient of a grant or contract under this section".

Legislative Counsel.

185. Technical Difference/Drafting.

Legislative Counsel.

186. The Senate amendment, but not the House bill, uses the term "of the United States".

The Senate recedes.

Grants for Evaluation and Technical Assistance

187. The Senate amendment, but not the House bill, authorizes regional technical assistance centers. $8,000,000 are authorized for each fiscal year 1995 through 1999 for these centers.

Grants to Tribes for Education Administrative Planning and Development

188. The Senate amendment, but not the House bill, includes an authority for grants for tribes for education administrative planning and development. $3,000,000 is authorized in each fiscal year 1995 through 1999 for these grants.

The House recedes with an amendment that the same tribe may not also receive a grant under the Department of Interior authority for Tribal Departments of Education.

The Conferees wish to point out the provision in this section which precludes a tribe currently receiving funds under the Bureau of Indian Affairs program for Tribal Divisions of Education from receiving funds under this section.

Part C—Special Education Programs Relating to Adult Education for Indians

Improvement of Educational Opportunities for Adult Indians

189. Technical Difference/Drafting.

Legislative Counsel.

190. The House bill uses the term "the provision of basic literacy opportunities"; the Senate amendment uses the term "basic literacy opportunities".

Legislative Counsel.

191. The House bill uses the term "high school equivalency certificate"; the Senate amendment uses the term "secondary school diploma, or its recognized equivalent,".

The House recedes.

192. See preceding Note.

The House recedes.

193. See preceding Note.

The House recedes.

194. Technical Difference/Drafting.

Legislative Counsel.

195. Technical Difference/Drafting.

Legislative Counsel.

196. The House uses the term "evaluations thereof"; the Senate amendment uses the term "evaluations of the programs, services and resources . . .".

The House recedes.

197. Technical Difference/Drafting.

Legislative Counsel.

198. The Senate amendment, but not the House bill, adds the term "and the objectives to be achieved".

The House recedes.

199. Technical Difference/Drafting.

Legislative Counsel.

200. Technical Difference/Drafting.

Legislative Counsel.

201. The Senate amendment, but not the House bill, uses the term "appropriate tribal communities".

The House recedes.

202. The House bill uses the term "of the project"; the Senate amendment uses the term "of the activities to be assisted".

Legislative Counsel.

203. Technical Difference/Drafting.

Legislative Counsel.

204. The House bill title is PART D—NATIONAL ACTIVITIES AND GRANTS TO STATES; the Senate amendment title is PART D—NATIONAL RESEARCH ACTIVITIES.

The House recedes.

National Activities

205. Technical Difference/Drafting.

Legislative Counsel.

206. The House bill uses the term "Act"; the Senate amendment uses the term "title".

Legislative Counsel.

207. The House bill uses the term "Office of Educational Research . . ."; the Senate amendment uses the term "the Assistant Secretary for Educational Research . . .".

The Senate recedes.

208. Technical Difference/Drafting.

Legislative Counsel.

209. The House bill, but not the Senate amendment, requires each local educational agency to submit their application under this title to the appropriate State Educational Agency for comment, allows the SEA to send such comments to the Secretary, with the Secretary taking such comments as are transmitted into account in reviewing the application.

The Senate recedes with an amendment which; (1) stipulates this requirement applies to all entities except B.I.A. funded schools; (2) stipulates that if it wishes to comment on any applications, the S.E.A. must comment on all applications and do so within 45 days of their receipt; (3) stipulates the S.E.A. will provide each entity with a copy of its comments and that each entity shall have an opportunity to respond; and (4) stipulates that the Secretary may waive this provision if he/she determines it impedes the application process.

Part E—Federal Administration

210. The House bill, but not the Senate amendment, sets forth the Office of Indian Education, and sets requirements for such Office and its Director.

The Senate recedes with an amendment deleting (b)(3).

National Advisory Council on Indian Education

211. The House uses the term "There shall be a . . ."; the Senate amendment uses the term "There is established . . .".

Legislative Counsel.

212. The House bill uses the term "areas of the country"; the Senate amendment uses the term "areas of the United States".

The House recedes.

213. Technical Differences/Drafting.

Legislative Counsel.

214. The House uses the term "for which the Secretary is responsible"; the Senate amendment uses the term "with respect to which the Secretary has jurisdiction".

The House recedes.

215. Technical Difference/Drafting.

Legislative Counsel.

216. Technical Difference/Drafting.

Legislative Counsel.

217. Technical Differences/Drafting.

Legislative Counsel.

Peer Review

218. Technical Difference/Drafting.

Legislative Counsel.

Preference for Indian Applicants

219. The House uses the term "parts B and C of this title"; the Senate amendment uses the term "part B, C, or D,".

The House recedes.

220. Technical Difference/Drafting.

Legislative Counsel.

Minimum Grant Criteria

221. Technical Difference/Drafting.
Legislative Counsel.
222. Technical Difference/Drafting.
Legislative Counsel.

Part F—Definitions; Authorizations of Appropriations

Definitions

223. Technical Difference/Drafting.
Legislative Counsel.
224. Technical Difference/Drafting.
Legislative Counsel.
225. Technical Difference/Drafting.
Legislative Counsel.

226. The Senate amendment, but not the House bill, includes in the definition any member of an organized Indian group that received a grant under this title prior to the enactment of this Act.

The House recedes. The Managers wish to make it clear that by deleting the term "other organized group" from the definition above and by including this provision, they do not intend to make a substantive change to the pool of student eligible to benefit from this program. The Managers are simply agreeing to an Administration recommendation that such a change would simplify administering the program, without cutting any students or groups out of participation. Groups which have been covered under the umbris of "other organized group" in the past would still qualify as a "band".

Authorization of Appropriations

227. Technical Differences/Drafting.
Legislative Counsel.

228. The House bill authorizes $20,925,000 for FY 1995 for parts B, C, and D. The Senate amendment authorizes $31,925,000 for FY 1995 for the same provisions.

The House recedes with an amendment cutting the Fiscal Year 1995 amount to $26 Million.

229. Technical Difference/Drafting.
Legislative Counsel.
230. Technical Difference/Drafting.
Legislative Counsel.

Native Hawaiian Education

Findings

1. The House bill and Senate amendment have similar, but not identical, findings concerning the history of Hawaii and its move towards sovereignty.

Legislative Counsel.

2. Language in the House bill and Senate amendment is similar, but not identical, concerning the special relationship which exists between the United States and the Native Hawaiian people.

Legislative Counsel.

3. The Senate amendment, but not the House bill, notes the decline in the Native Hawaiian population from 1778 to 1921.

The House recedes.

4. Technical difference.

Legislative Counsel.

5. The House bill, but not the Senate amendment, refers to the Act of June 20, 1938, where the U.S. Congress acknowledged the unique status of the Hawaiian people.

The Senate recedes.

5(a) The House bill, but not the Senate amendment, refers to the U.S. establishing educational programs to benefit Native Hawaiians.

The Senate recedes.

6. The House bill refers to "the Native American Programs Act of 1992, as amended" and the "National Historic Act Amendments of 1992". The Senate amendment refers to "the National Museum of the American Indian Act", "National Historic Preservation Act", and the "Native American Languages Act".

The House recedes with an amendment to combine the House and Senate provisions.

7. The House bill lists the special provisions the U.S. Congress has passed recognizing the trust relationship between the U.S. and the Native Hawaiian people. The Senate amendment simply states "numerous special provisions of law for the benefit of Native Hawaiians in the areas of health, education, labor, and housing.

The House recedes.

8. The House bill, but not the Senate amendment, recognizes that a lower educational attainment among Native Hawaiians has been related to lower socioeconomic outcomes.

The House recedes.

9. The House bill, but not the Senate amendment, indicates that Native Hawaiian students are disproportionately underrepresented in Institutions of Higher Education.

The House recedes.

10. The House bill, but not the Senate amendment, states that Native Hawaiians are underrepresented in traditional white collar and health care professions, while being overrepresented in service occupations.

The House recedes.

11. The Senate amendment, but not the House bill, refers to the 1988 enactment of title IV of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988.

The House recedes.

12. Technical difference.

Legislative Counsel.

13. The House bill and the Senate amendment, in similar, yet not identical, language refer to Native Hawaiian children's educational risk factors.

The House recedes.

14. The House bill, but not the Senate amendment, states "special efforts in education recognizing the unique cultural and historical circumstances of Native Hawaiians are required."

The House recedes.

15. The Senate amendment, but not the House bill, refers to the underrepresentation of Native Hawaiians in institutions of higher education and among adults who have completed four or more years of college.

The House recedes.

16. The Senate amendment, but not the House bill, refers to high retainment and absenteeism rates among Native Hawaiian students.

The House recedes.

17. The Senate amendment, but not the House bill, states that Native Hawaiian students are the highest drug and alcohol users.

The House recedes with amendment, adding "in the State of Hawaii" after "alcohol" in paragraph (ii).

18. The Senate amendment, but not the House bill, states that Native Hawaiian children continue to be disproportionately victimized by child abuse and neglect.

The House recedes.

19. The Senate amendment, but not the House bill, refers to the 23% of the students served by the State of Hawaii's Department of Education and their residence in rural, isolated areas.

The House recedes.

20. The Senate amendment, but not the House bill, refers to contradictions between findings listed in paragraphs (1) through (15) and the high rate of literacy and integration of traditional culture and Western education achieved by Native Hawaiians through a Hawaiian language-based public school system.

The House recedes.

21. The Senate amendment, but not the House bill, refers to the "Native Hawaiian Educational Assessment Project" released in 1983 by the Office of Education to Congress and its findings.

The House recedes.

21.(a) The Senate amendment, but not the House bill, notes that the Kamehameha Schools Bishop Estate released a ten-year update of the Native Hawaiian Educational Assessment Project.

The House recedes.

22. The Senate amendment, but not the House bill, mentions the banning of Hawaiian medium schools.

The House recedes.

23. The Senate amendment, but not the House bill, refers to the Native Hawaiians' determination to "preserve, develop, and transmit to future generations their ancestral territory".

The House recedes.

24. The Senate amendment, but not the House bill, refers to the distinct land rights of the Native Hawaiian people.

The Senate recedes.

25. The Senate amendment, but not the House bill, mentions the distinct land rights of Native Hawaiians and their unique religious customs and beliefs.

The House recedes.

26. The Senate amendment, but not the House bill, recognizes the traditional language of the Native Hawaiian people as an official language of the State of Hawaii.

The House recedes.

Purpose

27. The House bill states educational programs are to "assist" Native Hawaiians in "reaching the National Educational Goals". The Senate amendment simply states educational programs are to "benefit" Native Hawaiians.

The Senate recedes.

28. The Senate amendment, but not the House bill, refers to the establishment of a Native Hawaiian Education Council and five island councils.

The House recedes.

29. The House bill states the purpose of this part includes the "encouragement of maximum participation of Native Hawaiians in planning and management of Native Hawaiian Education Programs." The Senate amendment refers to this concept in the findings.

The Senate recedes.

Establishment

30. Both the House bill and the Senate amendment provide for a Native Hawaiian Education Council. The Senate amendment, but not the House bill, includes the provision for island councils.

The House recedes.

Composition

31. The Senate amendment, but not the House bill, states the Education Council shall consist of not more than 25 members.

The House recedes.

32. The House bill, but not the Senate amendment, states the composition of the council shall consist of, "but not be limited to", "representatives of each of the programs which receive Federal funding under this part"; "a representative from the Office of the Governor"; "a representative from the Office of Hawaiian Affairs"; "representatives of other Native Hawaiian Educational organizations and Native Hawaiian organizations which receive Federal or state education funds"; and "parent, student, educator, and community organizations".

The House recedes.

33. The Senate amendment, but not the House bill, includes in its member list, "each recipient of funds from the Secretary under this part"; a representative from the Office of Hawaiian Affairs, Department of Education in Hawaii, and specifically mentioned educational organizations.

The House recedes.

34. The Senate amendment, but not the House bill, states a representative will serve on the council from "each Native Hawaiian education island council established under subsection (f)".

The House recedes.

Conditions and Terms

35. The House bill indicates that at least half of the members shall be Native Hawaiians. The Senate amendment states that at least three-fourths of the members shall be Native Hawaiians.

The House recedes.

36. The House bill states that members of the Education Council will serve for five year terms. The Senate amendment states members will be appointed for three-year terms.

The House recedes.

Duties and Responsibilities

37. The House bill and the Senate amendment state the Education Council will provide information to Congress. The Senate amendment, not the House bill, specifically states particular entities to which the reports will be delivered.

The House recedes.

37(a). The House bill, but not the Senate amendment, states that they Secretary shall, whenever practicable, consult with the Council before taking any significant action related to the education of Native Hawaiians.

The House recedes.

38. The Senate amendment, but not the House bill, refers to island councils and the support the Education Council will provide these councils.

The House recedes.

Administrative Provisions

39. The House bill, but not the Senate amendment, makes a statement that the Council will meet at the call of the Chair, or upon the request of the majority of the Council.

The Senate recedes.

40. The Senate amendment, but not the House bill, outlines the purpose of the administrative grant for the Education Council.

The House recedes.

Compensation

41. The House bill, but not the Senate amendment, requires that compensation for service will not be given to any member of the Native Hawaiian Council.

The Senate recedes.

Report to Congress

42. The House bill, but not the Senate amendment mandates a report to Congress not later than 4 years after the date of enactment of the Improving America's Schools Act.

The Senate recedes.

Establishment of Island Councils

43. The Senate amendment, but not the House bill, introduces island councils and their composition. Specific administrative provisions, compensation, report requirements, and authorization of appropriations are described.

The House recedes.

Application Required

44. The Senate amendment, but not the House bill, articulates the application required for a grant that is to be made to the Secretary in order to carry out the provisions of this part.

The House recedes.

Native Hawaiian Language Immersion Authority

45. The House bill, but not the Senate amendment details a state-wide effort to revitalize the Native Hawaiian language. Administrative costs are set at no more than 7 percent of the funds appropriated. Authorized appropriations are to be $1,500,000 for fiscal year 1995 and such sums as may be necessary for fiscal years 1996 through 1999.

The House recedes.

Native Hawaiian Family-Based Education Centers

46. The Senate amendment, but not the House bill, states educational entities with "experience" in developing or operating Native Hawaiian programs. The House bill does not use "experience".

The House recedes.

47. The House bill states that a minimum of eleven Family-Based Education Centers throughout the Hawaiian Islands be developed. The Senate amendment refers to no such minimum.

The House recedes.

48. The Senate amendment, but not the House bill, articulates that the programs of such centers "may be conducted in either the Hawaiian language, the English language, or a combination thereof".

The House recedes.

49. Technical difference.

Legislative Counsel.

Native Hawaiian Higher Education Demonstration Program

50. The House bill, but not the Senate amendment, states that the Secretary shall make grants to the Kamehameha Schools/Bernice Pauahi Bishop Estate. The Senate amendment generalizes, stating grants will be given to Native Hawaiian educational organizations.

The House recedes.

Mandatory Activities

51. The Senate amendment, but not the House bill states mandatory activities include full or partial fellowship support for Native Hawaiian students enrolled in higher institutions of education. The House bill simply says "may include".

The Senate recedes.

52. The Senate amendment, but not the House bill, includes "fellowship" in its conditions of recipients.

The Senate recedes.

53. The Senate amendment, but not the House bill, includes a section titled "Permitted Activities" listing those which the House bill mentions under no such subsection.

The Senate recedes.

54. Technical differences.

Legislative Counsel.

55. The House bill, but not the Senate amendment, has a section titled "Grants Authorized".

The House recedes.

56. The Senate amendment, but not the House bill, specifies "fellowship" recipients.

Legislative Counsel.

57. The Senate amendment, but not the House bill, refers to the completion of a baccalaureate program.

The House recedes.

58. The House bill, but not the Senate amendment, includes "within the State of Hawaii" after "Native Hawaiian community".

The House recedes.

Special Rule

59. The House bill, but not the Senate amendment, includes a special rule that no policy be implemented to prevent a Native Hawaiian student enrolled at a higher education institution outside of the State of Hawaii from receiving a fellowship.

The Senate recedes.

Authorization of Appropriations

60. The House bill, but not the Senate amendment, authorizes $1,500,000 for fiscal year 1995 and such sums may be necessary for fiscal year 1996 through 1999 for funding fellowship assistance demonstration project provided under subsection (b).

The House recedes.

Native Hawaiian Gifted and Talented Program

61. The House bill, but not the Senate amendment, states there will be an establishment of a Native Hawaiian Gifted and Talented Center at the University of Hawaii at Hilo. The Senate amendment does not specify a program at the University.

The House recedes. (on title as well)

62. The House bill, but not the Senate amendment, specifies demonstration projects will be designed to address gifted and talented students. The Senate amendment makes no reference to demonstration projects.

The House recedes.

63. The House bill, but not the Senate amendment, details the terms of the grant or contract.

The House recedes.

64. The House bill, but not the Senate amendment, states that "such grant or contract shall be subject to the availability of appropriated funds and, contingent on satisfactory performance by the grantee".

The House recedes.

Uses of Funds

65. The Senate amendment, but not the House bill, specifies "Native Hawaiian" gifted and talented students.

The House recedes.

66. The House bill, but not the Senate amendment, incorporates public television in meeting educational needs of gifted and talented children.

The House recedes.

67. The Senate amendment, but not the House bill, refers to coordination with "other Native American gifted and talented programs."

The House recedes.

Information Provision

68. The House bill, but not the Senate amendment, states the Secretary will establish a national network of Native Hawaiian and American Indian Gifted and Talented Centers and impart any information to the educational community.

The Senate recedes with an amendment striking "shall" and inserting "is authorized to".

69. The House bill provides $2,000,000 for fiscal year 1995 and such necessary sums for fiscal years 1996 through 1999. The Senate amendment provides $1,500,000 for fiscal year 1995, and necessary sums for each of the succeeding 4 fiscal years.

The House recedes.

Special Education Authority

70. The House bill, but not the Senate amendment, refers to Pihana Na Mamo, while the Senate amendment mentions general educational organizations.

The House recedes.

71. The House bill uses "children"; the Senate amendment uses "students".

The House recedes.

72. The Senate amendment, but not the House bill, refers to emotional impairments.

The House recedes with amendment, striking "learning" and "mental or physical disabilities, emotional impairments".

73. The House bill, but not the Senate amendment, refers to children at the elementary school level.

The House recedes.

73.(a) The Senate amendment, but not the House bill, refers to part B of the Education of Individuals with Disabilities Education Act.

The House recedes.

74. The Senate amendment, but not the House bill, refers to "the conduct of educational, psychosocial, and developmental activities" of Native Hawaiian students.

The House recedes.

75. The Senate amendment, but not the House bill, refers to "appropriate research, evaluation, and related activities".

The House recedes.

76. The House bill, but not the Senate amendment, refers to the Secretary who may not make a grant or provide funds pursuant to a contract under this subsection.

The House recedes.

77. The House bill, but not the Senate amendment, discusses non-Federal contributions.

The House recedes.

Application Required

78. The House bill, but not the Senate amendment, refers to an "application required" to be submitted to the Secretary.

The Senate recedes.

Definitions

79. The House bill and the Senate amendment have similar, but not identical, language defining the term "Native Hawaiian". The House bill states specifically "a citizen of the United States", and a "resident of the State of Hawaii".

The Senate recedes.

80. The House bill states "birth records of the State of Hawaii", where the Senate amendment merely states "certified birth records".

The House recedes.

The conferees intend that genealogical records should be defined to include birth, marriage and death records.

81. The House bill, but not the Senate amendment, mentions the term "Secretary" as meaning the Secretary of Education.

The House recedes.

82. The House bill, but not the Senate amendment, refers to "demonstrated expertise in research and program development".

The Senate recedes.

83. The House bill, but not the Senate amendment, includes the definition of a "Native Hawaiian Organization".

The Senate recedes.

84. The House bill, but not the Senate amendment, includes the term "elementary school" as meaning the same as indicated in section 9101 of the same act.

The House recedes.

85. The Senate amendment, but not the House bill, refers to the definition of "Native Hawaiian language" and the term "Office of Hawaiian Affairs".

The House recedes.

86. The Senate amendment, but not the House bill, refers to the definition of "Native Hawaiian community-based organization".

The House recedes.

87. The House bill, but not the Senate amendment, includes the term "local educational agency".

The House recedes.

88. The House bill, but not the Senate amendment, includes the term "secondary school".

The House recedes.

89. The Senate amendment, but not the House bill, includes Native Hawaiian Curriculum Development, Teacher Training and Recruitment Program. Specifics mentioned are curricular development, preteacher training, inservice teacher training, and teacher recruitment. Administrative costs are to be not more than 7 percent of the funds appropriated for fiscal year 1995 and such necessary sums for each of the 4 succeeding fiscal years.

The House recedes, with an amendment: in paragraph (b) PRIORITY: insert after "(a) that" a "(1)" and insert after "youth or" a "(2)" and add after the end of the sentence "provided that entities receiving grants awarded pursuant to (b)(2) of this subsection coordinate in the development of new curricula".

90. The Senate amendment, but not the House bill, refers to Native Hawaiian Community-Based Education Learning Centers. Authorization appropriations are to be $1 million for FY 95, and

such sums as may be necessary for each of the 4 succeeding fiscal years.

The House recedes.

Alaska Native Education

10. The Senate amendment, but not the House bill, contains a provision authorizing $5 million for an Alaska Native Education program, $2 million for an Alaska Native Home Based Education for Preschool Children program, and $1,000,000 for an Alaska Native Student Enrichment program.

The House recedes, moving the provision to a new Title IX.

TITLE X—SMALL BUT SIGNIFICANT PROGRAMS

The House bill cites this title as "Title III—Expanding Opportunities For Learning". The Senate amendment cites this title as "Title VIII—Programs of National Significance." The House recedes.

Fund for the Improvement of Education

Authorization

In paragraph (a), the House bill refers to "challenging standards." The Senate amendment refers to "challenging State content standards" and challenging State student performance standards." The House recedes.

Uses of Funds

The House bill, but not the Senate amendment, permits research and development on content and performance standards and opportunity-to-learn standards. The Senate recedes with an amendment, inserting "or strategies" after "standards."

In paragraph (A)(i), the Senate amendment provides for the elimination of grouping practices and the development of programs that place all students on a college preparatory path of study. The House does not. The House recedes with an amendment, striking all language beginning with "and" after "practices" paragraph (i).

In paragraph (A)(ii), the Senate amendment provides for the development and evaluation of programs with strong parental involvement. The House does not. The House recedes.

In paragraph (A)(iii), the Senate amendment provides for the development and evaluation of strategies for integrating instruction and assessment. The House does not. The House recedes.

In paragraph (A)(iv), the Senate amendment provides for the development and evaluation of strategies for supporting professional development for teachers, counselors, and administrators. The House recedes with an amendment, inserting "pupil services personnel, including" before "guidance counselors."

The House bill refers to "public school choice in accordance with the requirements of part C." The Senate amendment refers to "public school choice."

The Senate recedes.

The Senate amendment refers to "Federal agencies, such as the National Science Foundation, the Department of Health and Human Services, and the Department of Labor, and with institutions of higher learning to assist the effort to achieve the National

Education Goals". The House bill refers to "agencies to assist the effort to achieve the National Education Goals."

The Senate recedes.

The Senate amendment refers to "activities to promote and evaluate coordinated pupil service programs". The House bill has no such provision.

The House recedes.

The House bill refers to "(G) activities to promote consumer, economic, and personal finance education". The Senate amendment refers to "(K) activities to promote consumer education, such as saving, investing, and entrepreneurial education." The Senate recedes with an amendment, adding "such as saving, investing, and entrepreneurial education;" after "education;".

The Senate amendment refers to " activities to promote metric education". The House bill has no such provision.

The House recedes.

The House bill refers to "the identification and recognition of exemplary schools and programs, such as Blue Ribbon Schools". The Senate amendment has no such provision.

The Senate recedes.

The House bill refers to programs to reduce student mobility. The Senate amendment has no such provision.

The Senate recedes.

The House bill refers to public-private partnerships which would permit students to bring computers home. The Senate amendment has no such provision.

The Senate recedes.

The House bill has no parallel provisions to Senate amendment items: "(M)", "(N)", "(O)", "(P)", "(R)", "(T)." The House recedes with an amendment striking paragraphs "(N)" and "(T)" and modifying "(R)" to read as follows: "demonstrations relating to the planning and evaluation of the effectiveness of projects under which LEAs or schools contract with private management organizations to reform a school or schools."

In paragraph (2)(A), (B) and (C), the House bill provides for the establishment, content, and mission of the National Center for Second Language Development. The Senate amendment has no such provisions.

The House recedes.

Awards

Authorization

1. The House bill refers to "fiscal years 1996, 1997, 1998, and 1999." The Senate amendment refers to "4 succeeding fiscal years." The House recedes with an amendment authorizing FIE at $50,000,000.

Gifted and Talented Students

Findings

The House bill refers to the standards "high"; the Senate amendment describes standards as "challenging State content standards and challenging State student performance standards."

The House recedes.

The Senate amendment, but not the House bill, notes the experience gained should be used as a basis to "provide all students with important and challenging subject matter to study and encourage the habits of hard work."

The House recedes.

Definitions

The House bill, but not the Senate amendment, defines gifted and talented students as youth exhibiting a high performance capability and require services or activities not ordinarily provided by the school in order to fully develop their capabilities.

The House recedes.

Construction

The Senate amendment, but not the House bill, clarifies that a "recipient of funds under this part" will not be precluded from "serving gifted students simultaneously with students with similar educational needs, in the same educational setting."

The House recedes.

Establishment of Program

Uses of Funds

The Senate amendment, but not the House bill, refers to parents involved in gifted and talented programs.

The House recedes.

The Senate amendment, but not the House bill, includes the implementation of innovative strategies, such as cooperative learning, peer tutoring and service learning as programs using funding. The House recedes.

Establishment of National Center

Limitation

The House bill states a limitation of not more than 30 percent of available funds in a fiscal year for a program authorized by this section to carry out activities pursuant to subsections (b)(5) or (c). The Senate amendment limits programs authorized by this section and its activities pursuant to subsection (b)(7) or (c) to not more than $1,750,000. The Senate recedes.

General Priority

The House bill, but not the Senate amendment includes "such as mentoring and apprenticeship program." The Senate recedes.

Review, Dissemination, and Evaluation

The House bill refers to "results of projects". The Senate amendment refers to "results of programs and projects." The House recedes.

The Senate amendment states that the programs shall be evaluated under this part in accordance with section 10701. The House bill states the programs will be evaluated under this part. The House recedes.

Administration

The House bill states specific duties of the administrative unit. The Senate amendment simply states that this administrative unit shall serve as a "focal point of national leadership and information on mechanisms to carry out the purpose of this part." The Senate recedes with an amendment, moving the Senate language regarding a person in the Department to administer these programs, "The Secretary . . . who shall", replacing the House language "The Secretary shall . . .", keeping the House's list of duties.

Authorization of Appropriations

The House bill authorizes appropriations of $10,000,000 for fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996, 1997, 1998, and 1999. The Senate amendment authorizes appropriations of $20,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years. The Senate recedes.

The Senate amendment includes a trigger for appropriations, the House bill does not. The Senate recedes.

Public Charter Schools

The conferees intend that public entities authorized under state law have some relation to education and be capable of carrying out oversight, fiduciary and other administrative requirements related carry out such a grant.

Purpose

The House bill refers to "SEC. 3401. PURPOSE." The Senate amendment refers to "SEC. 8201. FINDINGS AND PURPOSE." The House recedes.

The House bill refers to "those schools on improving student achievement". The Senate amendment refers to "such schools." The House recedes with an amendment inserting "student achievement," after "students."

Findings

The Senate amendment, but not the House bill, presents findings on charter schools. The House recedes with amendments striking "new schools developed through such process should be free to test" at the beginning of paragraph (3) and in inserting "Charter Schools are a mechanism for testing"; and inserting "educationally disadvantaged" before students the first time it appears.

Program Authorized

The Senate amendment, but not the House bill, specifies that applications be approved pursuant to section 8203 and in accordance with this part. The House recedes.

The Senate amendment refers to "(b) SPECIAL RULE.—". The House has no such provision. The House recedes.

Project Periods

The Senate amendment, but not the House bill, creates two subparts: "GRANTS TO STATES" and "GRANTS TO ELIGIBLE APPLICANTS." The House recedes.

Limitation

The Senate amendment, but not the House bill, refers to "and State educational agencies shall not award more than one subgrant under this part." The House recedes.

Applications

The House bill heading reads in part "APPLICATIONS REQUIRED". The Senate amendment reads in part "APPLICATIONS FROM STATE AGENCIES." The House recedes.

The House bill and Senate amendment use different language to convey the same provision. However, the Senate amendment, but not the House bill, refers to "and containing or accompanied by such information as the Secretary may require." The House recedes.

The House bill, but not the Senate amendment, refers to "(b) SCOPE OF APPLICATION". The House recedes.

The House bill refers to "(c) APPLICATION CONTENTS.—Each such application shall include, for each charter school for which assistance is sought—". The Senate amendment refers to "(b) CONTENTS OF A STATE EDUCATIONAL AGENCY.—Each application submitted pursuant to subsection (a) shall—". The House recedes.

In paragraph (b)(1), the Senate amendment, but not the House bill, provides that applicants describe which objectives are to be fulfilled and how they will be accomplished. The House recedes.

In paragraph (3), the Senate amendment, but not the House bill, establishes that agencies desiring to be awarded a subgrant submit an application. The House recedes.

The House bill refers to "the local educational agency that will authorize or approve the school's charter and act as the grantee under this act". The Senate amendment refers to "the authorized public chartering agency." The House recedes.

The House refers to "local educational agency" and "the school is successful". The Senate amendment refers to "authorized public chartering agency" and "the school has met the objectives described in subparagraph (C)(i)." The House recedes.

The House bill, but not the Senate amendment, refers to "a description of any State or local rules, generally applicable to public schools, that will be waived for, or otherwise not apply to, the school." The Senate recedes.

The Senate amendment, but not the House bill, refers to "subgrant funds or grant funds, as appropriate, will be used, including a description of how such funds will be used in conjunction with other Federal programs administered by the Secretary." The House recedes.

The Senate amendment, but not the House bill, refers to "and the State educational agency." The House recedes.

The Senate amendment refers to "and the State educational agency in evaluating the program assisted under this part". The House bill refers to "in evaluating the program authorized by this part." The House recedes.

The Senate amendment, but not the House bill, refers to "and the State educational agency." The House recedes with an amendment inserting "Consistent with Section 8202(b)" before "Each".

The House bill heading in part reads "STATE EDUCATIONAL AGENCY APPROVAL REQUIRED.—" The Senate amendment reads "APPLICATIONS FROM ELIGIBLE APPLICANTS." The House recedes with an amendment striking "Eligible Agency."

The Senate amendment, but not the House bill, details content to be included in applications and the process by which an application shall be submitted. The House recedes with an amendment striking "sentence" and inserting "subsection."

Administration

The Senate amendment, but not the House bill, provides for the administration of the selection of applicants.

The House recedes with an amendment inserting "assisting educationally disadvantaged and other students" after "make to."

Selection of Grantees; Waivers

The House bill refers to "(a) CRITERIA.—The Secretary shall select". The Senate amendment refers to "(b) SELECTION CRITERIA FOR ELIGIBLE APPLICANTS.—The Secretary shall award" and includes "submitted under section 8203, after." The House recedes.

The Senate amendment refers to "State educational agency" and "charter school". The House bill refers to "State" and "school". The House recedes.

The House bill refers to "the plan". The Senate amendment refers to "the process." The House recedes with an amendment changing "process" to "strategy."

The House bill refers to "school". The Senate amendment refers to "charter school." The House recedes.

Peer Review

The Senate heading reads in part "(c)." The House reads "(b)." The House recedes.

The Senate amendment refers to "assistance under this part". The House bill refers to "grants under this section." The House recedes.

Diversity of Projects

The Senate amendment, but not the House bill, refers to "such as approaches designed to reduce school size." The House recedes.

Waivers

The Senate heading reads in part "(e)." The House reads "(d)." The House recedes.

Uses of Funds

The House bill and Senate amendment headings differ throughout this section. The House recedes.

Allowable Activities

The House bill refers to "(B) acquiring necessary equipment". The Senate amendment refers to "(ii) acquiring necessary equipment and educational materials and supplies." The House recedes.

The Senate amendment, but not the House bill, permits minor remodeling. The House recedes.

The Senate, but not the House, includes "ADMINISTRATIVE EXPENSES" and "REVOLVING LOAN FUNDS." The Senate recedes.

National Activities

The House bill refers to "up to 10 percent of the funds appropriated for this part". The Senate amendment refers to "not more than 10 percent of the funds available to carry out this part." The House recedes.

The Senate amendment, but not the House bill, lists other activities assisted under this part. The Senate recedes.

Definitions

The House bill, but not the Senate amendment, refers to "the following terms have the following means." The House recedes with amendment striking "(C)."

In paragraph (B), the Senate amendment includes "and is operated under public supervision and direction." The House recedes.

In paragraph (C), The House bill refers to "the local educational agency applying for a grant on behalf of the school". The Senate amendment refers to "the authorized public chartering agency." The House recedes.

In paragraph (I), the House refers to "public schools". The Senate refers to "schools." The House recedes.

The House, but not the Senate, refers to "(K)." The Senate recedes.

The House bill and Senate amendment use different language to convey the same provision in "(3)." The Senate recedes.

The Senate, but not the House, defines "authorized public chartering agency." The House recedes.

Authorization of Appropriations

2. The House bill refers to "the fiscal years 1996, 1997, 1998, and 1999." The Senate amendment refers to "the 4 succeeding fiscal years." The House recedes with an amendment inserting "and approved by the Secretary" after "state law."

Arts in Education

Findings

The Senate amendment but not the House bill finds that participation in performing arts activities has proven to be an effective strategy for promoting the inclusion of persons with disabilities in mainstream settings. The House recedes.

The Senate amendment but not the House bill finds that opportunities in the arts have enabled persons of all ages with disabilities to participate more fully in school and community activities. The House recedes.

4. The House bill, but not the Senate amendment, finds that the arts can motivate at-risk students to stay in school and become active participants in the educational process.

The Senate recedes.

Purpose

The House bill states that a purpose of the bill is to help ensure that all students have the opportunity to learn challenging standards in the arts. The Senate bill refers to State content standards and State student performance standards. The House recedes.

Eligible Recipients

The Senate amendment, but not the House bill, includes museums and other cultural institutions as eligible recipients. The House recedes.

Authorized Activities

The Senate amendment, but not the House bill, includes as an authorized activity supporting collaborative activities with Very Special Arts. The House recedes.

The House bill states that authorized activities include supporting model projects and programs in the arts for individuals with disabilities through arrangements with the organization, Very Special Arts. The Senate amendment states that authorized activities include supported model projects and programs developed by Very Special Arts which assure the participation in mainstream settings in arts and education programs of persons of all ages with disabilities. The House recedes with an amendment, striking "developed" and "of all ages" in paragraph (8).

Coordination

The Senate amendment, but not the House bill, includes Very Special Arts. Technical difference. The House recedes.

The Senate amendment, not the House bill, states that if the amount appropriated for any fiscal year is $9 million or less, such amount shall only be available to support model projects and programs developed by Very Special Arts which assure the participation in mainstream settings in arts and education programs of persons of all ages with disabilities and such projects and programs in the performing arts for children and youth through arrangements made with the John F. Kennedy Center for the Performing Arts. The House recedes.

Inexpensive Book Distribution Program

Authorization

The Senate amendment, but not the House bill, refers to (RIF). The House recedes.

Requirements of Contract

The House bill refers to "children up through high school age, including those in family literacy programs." The Senate amendment refers to "children from birth through secondary school age." The House recedes with an amendment, adding "including those in family literacy programs" after "secondary school age."

The House bill, but not the Senate amendment, refers to children with disabilities "including those with serious emotional disturbance." The House recedes.

Definition of Federal Share

The Senate amendment, but not the House bill, refers to 100 percent "of such costs to the subcontractor." The House recedes.

The House bill states that the federal share "shall not exceed 75 percent." The Senate amendment states that the federal share shall be 75 percent. The House recedes.

The House bill authorizes $10.3 million for Fiscal Year 1995 and such sums for 1996, 1997, 1998 and 1999. The Senate amendment authorizes $11 million for Fiscal 1995 and such sums for each of the four succeeding fiscal years. The Senate recedes.

Civic Education

General Authority

The House bill says the Secretary "shall." The Senate amendment says the Secretary "is authorized." The House recedes.

Contract or Grant Authorized

The House bill refers to "the program required by paragraph (1). The Senate amendment refers to "the program described in paragraph (1)." The House recedes.

Special Rule

The House bill refers to "advanced training of teachers in civics and government." The Senate amendment refers to "advanced training of teachers about the United States Constitution and the political system the United States created." The House recedes.

The Senate amendment, but not the House bill, refers to a course of instruction in the middle school level. The House recedes.

Program Established

The House bill says the Secretary "shall." The Senate amendment says the Secretary "is authorized." The House recedes.

The House bill refers to "challenging content standards." The Senate amendment refers to "challenging State content standards and challenging State student performance standards." The House recedes.

Authorized Activities

The House bill refers to "our system of government." The Senate amendment refers to "our Nation's system of government." The House recedes.

The Senate amendment, but not the House bill, refers to "respect for cultural diversity and acceptance of cultural differences." The House recedes.

Report

The Senate amendment, but not the House bill, refers to section 10701. The Senate recedes.

Authorization of Appropriations

The House bill authorizes $15 million for Fiscal 1995 and such sums for 1996, 1997, 1998, and 1999. The Senate amendment authorizes $20 million for Fiscal 1997 and such sums for each of the succeeding four fiscal years. The Senate recedes.

The House bill allocates 40% for section 3701 and 60% for section 3702. The Senate amendment allocates 50% for section 8251 and 50% for section 8252. The Senate recedes.

Native Hawaiian Education

Findings

The Senate amendment, but not the House bill, notes the decline in the Native Hawaiian population from 1778 to 1921. The House recedes.

The House bill, but not the Senate amendment, refers to the Act of June 20, 1938, where the U.S. Congress acknowledged the unique status of the Hawaiian people. The Senate recedes.

The House bill, but not the Senate amendment, refers to the U.S. establishing educational programs to benefit Native Hawaiians. The Senate recedes.

The House bill refers to "the Native American Programs Act of 1992, as amended" and the "National Historic Act Amendments of 1992". The Senate amendment refers to "the National Museum of the American Indian Act", "National Historic Preservation Act", and the "Native American Languages Act." The House recedes with an amendment to combine the House and Senate provisions.

The House bill lists the special provisions the U.S. Congress has passed recognizing the trust relationship between the U.S. and the Native Hawaiian people. The Senate amendment simply states "numerous special provisions of law for the benefit of Native Hawaiians in the areas of health, education, labor, and housing. The House recedes.

The House bill, but not the Senate amendment, recognizes that a lower educational attainment among Native Hawaiians has been related to lower socioeconomic outcomes. The House recedes.

The House bill, but not the Senate amendment, indicates that native Hawaiian students are disproportionately under-represented in Institutions of Higher Education. The House recedes.

The House bill, but not the Senate amendment, states that Native Hawaiians are under-represented in traditional white collar and health care professions, while being over-represented in service occupations. The House recedes.

The Senate amendment, but not the House bill, refers to the 1988 enactment of title IV of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988. The House recedes.

The House bill and the Senate amendment, in similar, yet not identical, language refer to native Hawaiian children's educational risk factors. The House recedes.

The House bill, but not the Senate amendment, states "special efforts in education recognizing the unique cultural and historical circumstances of Native Hawaiians are required." The House recedes.

The Senate amendment, but not the House bill, refers to the under-representation of Native Hawaiians in institutions of higher education and among adults who have completed four or more years of college. The House recedes.

The Senate amendment, but not the House bill, refers to high retainment and absenteeism rates among Native Hawaiian students. The House recedes.

The Senate amendment, but not the House bill, states that Native Hawaiian students are the highest drug and alcohol users. The House recedes with amendment, adding "in the State of Hawaii" after "alcohol" in paragraph (ii).

The Senate amendment, but not the House bill, states that Native Hawaiian children continue to be disproportionately victimized by child abuse and neglect. The House recedes.

The Senate amendment, but not the House bill, refers to the 23% of the students served by the State of Hawaii's Department of Education and their residence in rural, isolated areas. The House recedes.

The Senate amendment, but not the House bill, refers to contradictions between findings listed in paragraphs (1) through (15) and the high rate of literacy and integration of traditional culture and Western education achieved by Native Hawaiians through a Hawaiian language-based public school system. The House recedes.

The Senate amendment, but not the House bill, refers to the "Native Hawaiian Educational Assessment Project" released in 1983 by the Office of Education to Congress and its findings. The House recedes.

The Senate amendment, but not the House bill, notes that the Kamehameha Schools Bishop Estate released a ten-year update of the Native Hawaiian Educational Assessment Project. The House recedes.

The Senate amendment, but not the House bill, mentions the banning of Hawaiian medium schools. The House recedes.

The Senate amendment, but not the House bill, refers to the Native Hawaiians' determination to "preserve, develop, and transmit to future generations their ancestral territory." The House recedes.

The Senate amendment, but not the House bill, refers to the distinct land rights of the Native Hawaiian people. The Senate recedes.

The Senate amendment, but not the House bill, mentions the distinct land rights of Native Hawaiians and their unique religious customs and beliefs. The House recedes.

The Senate amendment, but not the House bill, recognizes the traditional language of the Native Hawaiian people as an official language of the State of Hawaii. The House recedes.

Purpose

The House bill states educational programs are to "assist" Native Hawaiians in "reaching the National Educational Goals". The Senate amendment simply states educational programs are to "benefit" Native Hawaiians. The Senate recedes.

The Senate amendment, but not the House bill, refers to the establishment of a Native Hawaiian Education Council and five island councils. The House recedes.

The House bill states the purpose of this part includes the "encouragement of maximum participation of Native Hawaiians in planning and management of Native Hawaiian Education Programs." The Senate amendment refers to this concept in the findings. The Senate recedes.

Establishment

Both the House bill and the Senate amendment provide for a Native Hawaiian Education Council. The Senate amendment, but not the House bill, includes the provision for island councils. The House recedes.

Composition

The Senate amendment, but not the House bill, states the Education Council shall consist of not more than 25 members. The House recedes.

The House bill, but not the Senate amendment, states the composition of the council shall consist of, "but not be limited to", "representatives of each of the programs which receive Federal funding under this part"; "a representative from the Office of the Governor"; "a representative from the Office of Hawaiian Affairs"; "representatives of other Native Hawaiian Educational organizations and Native Hawaiian organizations which receive Federal or state education funds"; and "parent, student, educator and community organizations." The House recedes.

The Senate amendment, but not the House bill, includes in its member list, "each recipient of funds from the Secretary under this part"; a representative from the Office of Hawaiian Affairs, Department of Education in Hawaii, and specifically mentioned educational organizations. The House recedes.

The Senate amendment, but not the House bill, states a representative will serve on the council from "each Native Hawaiian education island council established under subsection (f)." The House recedes.

Conditions and Terms

The House bill indicates that at least half of the members shall be Native Hawaiians. The Senate amendment states that at least three-fourths of the members shall be Native Hawaiians. The House recedes.

The House bill states that members of the Education Council will serve for five year terms. The Senate amendment states members will be appointed for three-year terms. The House recedes.

Duties and Responsibilities

The House bill and the Senate amendment state the Education Council will provide information to Congress. The Senate amendment, not the House bill, specifically states particular entities to which the reports will be delivered. The House recedes.

The House bill, but not the Senate amendment, states that the Secretary shall, whenever practicable, consult with the Council before taking any significant action related to the education of Native Hawaiians. The House recedes.

The Senate amendment, but not the House bill, refers to island councils and the support the Education Council will provide these councils. The House recedes.

Administrative Provisions

The House bill, but not the Senate amendment, makes a statement that the Council will meet at the call of the Chair, or upon the request of the majority of the Council. The Senate recedes.

The Senate amendment, but not the House bill, outlines the purpose of the administrative grant for the Education Council. The House recedes.

Compensation

The House bill, but not the Senate amendment, requires that compensation for service will not be given to any member of the Native Hawaiian Council. The Senate recedes.

Report to Congress

The House bill, but not the Senate amendment mandates a report to Congress not later than 4 years after the date of enactment of the Improving America's Schools Act. The Senate recedes.

Establishment of Island Councils

The Senate amendment, but not the House bill, introduces island councils and their composition. Specific administrative provisions, compensation, report requirements, and authorization of appropriations are described. The House recedes.

Application Required

The Senate amendment, but not the House bill, articulates the application required for a grant that is to be made to the Secretary in order to carry out the provisions of this part. The House recedes.

Native Hawaiian Language Immersion Authority

The House bill, but not the Senate amendment details a statewide effort to revitalize the Native Hawaiian language. Administrative costs are set at no more than 7 percent of the funds appropriated. Authorized appropriations are to be $1,500,000 for fiscal year 1995 and such sums as may be necessary for fiscal years 1996 through 1999. The House recedes.

Native Hawaiian Family-Based Education Centers

The Senate amendment, but not the House bill, states educational entities with "experience" in developing or operating Native Hawaiian programs. The House bill does not use "experience." The House recedes.

The House bill states that a minimum of eleven Family-Based Education Centers throughout the Hawaiian Islands be developed. The Senate amendment refers to no such minimum. The House recedes.

The Senate amendment, but not the House bill, articulates that the programs of such centers "may be conducted in either the Hawaiian language, the English language, or a combination thereof." The House recedes.

Native Hawaiian Higher Education Demonstration Program

The House bill, but not the Senate amendment, states that the Secretary shall make grants to the Kamehameha Schools/Bernice Pauahi Bishop Estate. The Senate amendment generalizes, stating grants will be given to Native Hawaiian educational organizations. The House recedes.

Mandatory Activities

The Senate amendment, but not the House bill states mandatory activities include full or partial fellowship support for Native Hawaiian students enrolled in higher institutions of education. The House bill simply says "may include." The Senate recedes.

The Senate amendment, but not the House bill, includes "fellowship" in its conditions of recipients. The Senate recedes.

The Senate amendment, but not the House bill, includes a section titled "Permitted Activities" listing those which the House bill mentions under no such subsection. The Senate recedes.

The House bill, but not the Senate amendment, has a section titled "Grants Authorized." The House recedes.

The Senate amendment, but not the House bill, refers to the completion of a baccalaureate program. The House recedes.

The House bill, but not the Senate amendment, includes "within the State of Hawaii" after "Native Hawaiian community." The House recedes.

Special Rule

The House bill, but not the Senate amendment, includes a special rule that no policy be implemented to prevent a Native Hawaiian student enrolled at a higher education institution outside of the State of Hawaii from receiving a fellowship. The Senate recedes.

Authorization of Appropriations

The House bill, but not the Senate amendment, authorizes $1,500,000 for fiscal year 1995 and such sums may be necessary for fiscal years 1996 through 1999 for funding a fellowship assistance demonstration project provided under subsection (b). The House recedes.

Native Hawaiian Gifted and Talented Program

The House bill, but not the Senate amendment, states there will be an establishment of a Native Hawaiian Gifted and Talented Center at the University of Hawaii at Hilo. The Senate amendment does not specify a program at the University. The House recedes.

The House bill, but not the Senate amendment, specifies demonstration projects will be designed to address gifted and talented students. The Senate amendment makes no reference to demonstration projects. The House recedes.

The House bill, but not the Senate amendment, details the terms of the grant or contract. The House recedes.

The House bill, but not the Senate amendment, states that "such grant or contract shall be subject to the availability of appropriated funds and, contingent on satisfactory performance by the grantee." The House recedes.

Uses of Funds

The Senate amendment, but not the House bill, specifies "Native Hawaiian" gifted and talented students. The House recedes.

The House bill, but not the Senate amendment, incorporates public television in meeting educational needs of gifted and talented children. The House recedes.

The Senate amendment, but not the House bill, refers to coordination with "other Native American gifted and talented programs." The House recedes.

Information Provision

The House bill, but not the Senate amendment, states the Secretary will establish a national network of Native Hawaiian and American Indian Gifted and Talented Centers and impart any information to the educational community. The Senate recedes with an amendment striking "shall" and inserting "is authorized to".

The House bill provides $2,000,000 for fiscal year 1995 and such necessary sums for fiscal years 1996 through 1999. The Senate amendment provides $1,500,000 for fiscal year 1995, and necessary sums for each of the succeeding 4 fiscal years. The House recedes.

Special Education Authority

The House bill, but not the Senate amendment, refers to Pihana Na Mamo, while the Senate amendment mentions general educational organizations. The House recedes.

The House bill uses "children"; the Senate amendment uses "students." The House recedes.

The Senate amendment, but not the House bill, refers to emotional impairments. The House recedes with amendment, striking "learning" and "mental or physical disabilities, emotional impairments."

The House bill, but not the Senate amendment, refers to children at the elementary school level. The House recedes.

The Senate amendment, but not the House bill, refers to part B of the Education of Individuals with Disabilities Education Act. The House recedes.

The Senate amendment, but not the House bill, refers to "the conduct of educational, psychosocial, and developmental activities" of Native Hawaiian students. The House recedes.

The Senate amendment, but not the House bill, refers to "appropriate research, evaluation, and related activities." The House recedes.

The House bill, but not the Senate amendment, refers to the Secretary who may not make a grant or provide funds pursuant to a contract under this subsection. The House recedes.

The House bill, but not the Senate amendment, discusses non-Federal contributions. The House recedes.

Application Required

The House bill, but not the Senate amendment, refers to an "application required" to be submitted to the Secretary. The Senate recedes.

Definitions

The House bill and the Senate amendment have similar, but not identical, language defining the term "Native Hawaiian". The House bill states specifically "a citizen of the United States", and a "resident of the State of Hawaii." The Senate recedes.

The House bill states "birth records of the State of Hawaii", where the Senate amendment merely states "certified birth records." The House recedes. The conferees intend that genealogical records should be defined to include birth, marriage and death records.

The House bill, but not the Senate amendment, mentions the term "Secretary" as meaning the Secretary of Education. The House recedes.

The House bill, but not the Senate amendment, refers to "demonstrated expertise in research and program development." The Senate recedes.

The House bill, but not the Senate amendment, includes the definition of a "Native Hawaiian Organization." The Senate recedes.

The House bill, but not the Senate amendment, includes the term "elementary school" as meaning the same as indicated section 9101 of the same act. The House recedes.

The Senate amendment, but not the House bill, refers to the definition of "Native Hawaiian language" and the term "Office of Hawaiian Affairs." The House recedes.

The Senate amendment, but not the House bill, refers to the definition of "Native Hawaiian community-based organization." The House recedes.

The House bill, but not the Senate amendment, includes the term "local educational agency." The House recedes.

The House bill, but not the Senate amendment, includes the term "secondary school." The House recedes.

The Senate amendment, but not the House bill, includes Native Hawaiian Curriculum Development, Teacher Training and Recruitment Program. Specifics mentioned are curricular development, preteacher training, inservice teacher training, and teacher recruitment. Administrative costs are to be not more than 7 percent of the funds appropriated for fiscal year 1995 and such necessary sums for each of the 4 succeeding fiscal years. The House recedes, with an amendment: in paragraph (b) PRIORITY: insert after "(a) that" a "(1)" and insert after "youth or" a "(2)" and add after the end of the sentence "provided that entities receiving grants awarded pursuant to (b)(2) of this subsection coordinate in the development of new curricula".

The Senate amendment, but not the House bill, refers to Native Hawaiian Community-Based Education Learning Centers. Authorization appropriations are to be $1 million for FY 95, and such sums as may be necessary for each of the 4 succeeding fiscal years. The House recedes.

Allen J. Ellender Fellowship Program

The House bill refers to "physically challenged students, visually- and hearing-impaired students." The Senate amendment refers to "students with disabilities." The House recedes.

Contents of Application

The House bill refers to "physically challenged students, visually- and hearing-impaired individuals." The Senate amendment refers to "individuals with disabilities." The House recedes.

Authorization of Appropriations

18. The House bill authorizes $4.4 million and such sums for each of the fiscal years 1996, 1997, 1998, and 1999. The Senate amendment authorizes $4.5 million for Fiscal year 1995 and such sums as may be necessary for each of the four succeeding fiscal years. The Senate recedes.

Territorial Education Improvement Program

The House bill entitles the program the "Territorial Education Improvement Program. The Senate amendment entitles the program the "Territorial Teacher Training Program." The Senate recedes with an amendment inserting "deLugo" in the program title.

The House bill, but not the Senate amendment, has provisions for Findings and Purposes. The Senate recedes.

Authorization

The House bill authorizes $5 million for each of the fiscal years 1994 through 1999. The Senate amendment authorizes $2 million for Fiscal Year 1995 and such sums for each of the succeeding four fiscal years. The Senate recedes with an amendment changing the authorization from $5 million to $3 million.

Grant Authorization

The House bill authorizes "an education improvement program." The Senate amendment refers to "assisting teacher training programs." The Senate recedes.

The House bill authorizes "an education improvement program". The Senate amendment refers to "assisting teacher training programs." The Senate recedes.

The House bill refers to "Palau until the effective date of the Compact of Free Association with the Government of Palau." The Senate amendment refers to "Palau." The Senate recedes.

The House bill refers to the "Northern Mariana Islands." The Senate amendment refers to "the Commonwealth of the Northern Mariana Islands." The House recedes.

The Senate amendment also includes the Republic of the Marshall Islands and the Federated States of Micronesia. The House recedes.

The House bill refers to making "grants to fund innovative education improvement programs which will increase student learning." The Senate amendment refers to "grants or contracts with any organization considered qualified to providing training for teachers in such schools and shall allot such sums among such territories on the basis of the need for such training." The Senate recedes.

The House bill contains a section on restrictions. The Senate recedes.

Blue Ribbon Schools Program

The Senate amendment, but not the House bill, contains a provision authorizing a $1 million Blue Ribbon Schools program. The Senate recedes with an amendment to move this to the Fund for the Improvement of Education.

National Student and Parent Mock Election

The Senate amendment, but not the House bill, contains a provision authorizing a $125,000 National Student and Parent Mock Election Program. The House recedes with an amendment to place program in FIE and with an amendment in paragraph (a) to strike "in" after "grants" and to strike "election" after "every" and to strike the authorization of appropriations in subsection (c).

Elementary School Counseling Demonstration

The Senate amendment, but not the House bill, contains a provision authorizing $1 million for an Elementary School Counseling Demonstration Act. The House recedes with an amendment, moving this program to FIE.

Model Projects

The Senate amendment, but not the House bill, contains a provision authorizing $5 million for a Model Projects program for grants to cultural institutions for outreach activities for at-risk children.

The House recedes with an amendment moving this program to FIE and striking the authorization of appropriations in subsection (c).

Extended Time for Learning

The Senate amendment, but not the House bill, contains a provision authorizing $20 million for an Extended Time for Learning program.

Longer School Year

The Senate amendment, but not the House bill, contains a provision authorizing $100 million for a Longer School Year incentive program.

Creating Smaller Learning Communities

8. The Senate amendment, but not the House bill, contains a provision authorizing $20 million for a Creating Smaller Learning Communities program. The House recedes with an amendment moving this program to FIE.

Partnerships in Character Education Pilot Project

The Senate amendment, but not the House bill, contains a provision authorizing $6 million for a Partnerships in Character Education Pilot Project. The House recedes with an amendment moving the program to FIE. See attached language at back.

Alaska Native Education

The Senate amendment, but not the House bill, contains a provision authorizing $5 million for an Alaska Native Education program, $2 million for an Alaska Native Home Based Education for Preschool Children program, and $1,000,000 for an Alaska Native Student Enrichment Program. The House recedes, moving the provision to a new Title IX.

Promoting Scholar-Athlete Competitions

The Senate amendment, but not the House bill, contains a provision authorizing $1 million for a program to promote Scholar-Athlete Competitions. The House recedes with an amendment to move it to FIE with language to appear as follows: "The Secretary is authorized to award a grant to a non-profit organization to reimburse such organization for the costs of conducting scholar-athlete games to be held in 1995. In awarding the grant the Secretary shall give priority to a non-profit organization that (A) is described in section 501(c)(3) of, and exempt from taxation under section 501(a) of, the Internal Revenue Code of 1986, and is affiliated with a university capable of hosting a large educational, cultural, and athletic event that will serve as a national model; (B) has the capability and experience in administering federally funded scholar athlete games; (C) has the ability to provide matching funds, on a dollar-for-dollar basis, from foundations and the private sector for the purpose of conducting a scholar-athlete program; which has the organizational structure and capability to administer a model scholar-athlete program in the summer of 1995; (E) has the organizational structure and expertise to replicate the scholar-athlete program in various venues throughout the United States in 1996 and thereafter, as replicate such program internationally; and (F) has plans for conducting scholar-athlete games after 1995 without federal assistance."

Cultural Partnershps for At-Risk Children and Youth Act of 1994

The House bill part is entitled "Community Arts Partnership Act of 1994" while the Senate amendment part is entitled "Cultural Partnerships for At-Risk Children and Youth Act of 1994." The House recedes.

The House bill refers only to the inadequacy of arts programs available for children in schools; the Senate amendment refers to "arts and cultural programs available for children and youth." The House recedes.

The House bill, but not the Senate amendment, finds that the arts promote progress in academic subjects as shown by research conducted by the National Endowment for the Arts. The Senate recedes.

The House bill, but not the Senate amendment, finds that the arts access multiple human intelligences and develop higher-order thinking skills. The House recedes.

The House bill, but not the Senate amendment, finds that the "arts generate self-esteem and positive emotional responses to learning." The Senate recedes with an amendment deleting 3502(a)(4) and inserting in lieu thereof: "Learning in the arts and humanities promotes progress in other academic subjects, and generates positive self-esteem and a greater sense of accomplishment in young people."

The House bill states only that "children who receive instruction in the arts remain in school longer and are more successful than children who do not receive such instruction"; the Senate amendment refers to children and youth who receive instruction in the arts and humanities, or who are involved in cultural activities. The House recedes.

The Senate amendment, but not the House bill, finds that "school-university partnerships that upgrade teacher training in the arts and humanities have significantly contributed to improved instruction and achievement levels of school-aged children." The House recedes with an amendment inserting "and school-cultural institution" after "school-university" and inserting a new paragraph after Senate section 11102(4) stating: "The Goals 2000: Educate America Act, other legislation and local, state and national resources support the integration of the arts and humanities into the regular curriculum and school day of all children. While all children benefit from this instruction in the arts and the humanities, at-risk children and youth have a special, additional need for arts and cultural programs both in school and after school."

The Senate amendment, but not the House bill, finds that museum outreach, cultural activities and informal education for at-risk children and youth have contributed significantly to their educational achievement. The House recedes.

The House bill includes a statement of purpose, the Senate amendment does not. The Senate amendment part is entitled "Subgrants" and involves grants from a Committee. The Senate recedes.

The House bill part is titled "Grants Authorized," the Senate amendment is titled "Award of Subgrants." The Senate recedes.

The House bill states that the "Secretary is authorized to award grants to eligible entities to pay the Federal share of the costs of activities" authorized under this title. The Senate amendment states that the Committee shall award subgrants to eligible entities. The Senate recedes.

The House bill part is entitled "Special Requirements" and states that the Secretary shall award grants under this Act to programs; the Senate amendment contains no such statement. The Senate recedes.

The House bill permits the Secretary to award grants to "programs designed to promote educational and cultural services"; the Senate speaks of "promoting and enhancing educational and cultural activities." The House recedes.

The House bill permits the Secretary to award grants to programs designed to provide multi-year services to at-risk children and youth; the Senate amendment contains no such part. The Senate recedes with an amendment inserting "and to integrate community cultural resources into in-school and after-school educational programs;" after "children and youth."

The Senate amendment, but not the House bill refers to a Committee which shall award subgrants to improve educational performance. The Senate recedes with an amendment striking all of Senate section 11103(a)(2).

The House bill, but not the Senate amendment, permits the Secretary generally to award grants to programs designed to serve the needs of at-risk children and youth. The House recedes.

The House bill permits the Secretary to award grants for programs designed to provide integration of community cultural resources in the regular curriculum; the Senate amendment speaks of integration into the regular curriculum and the school day. The House recedes.

The House bill permits the Secretary to award grants to programs designed to "provide effective cultural linkages from preschool programs," including preschool grants under the Individuals with Disabilities Education Act, to elementary schools. The Senate amendment refers to the provision of cultural programs to "facilitate the transition from preschool programs to elementary school programs, including programs under the Head Start Act and part H of the Individuals with Disabilities Education Act." The House recedes.

The Senate amendment, but not the House bill, states that facilitation of school to work shall be done through educational programs and activities that utilize school resources. The House recedes.

The House bill permits the Secretary to award grants to programs designed to increase parental and community involvement in the development of at-risk youth. The Senate amendment states that such development shall be of at-risk children and youth. The House recedes.

The House bill permits the Secretary to award grants to programs designed to "replicate programs and strategies that provide high quality coordinated educational and cultural services and that are designed to integrate such coordination into the regular curriculum." The Senate amendment refers to the development of such programs and strategies that are designed also to replicate the services in other schools. The House recedes with an amendment striking Senate section 11103(c)(1)(G)(ii) and inserting in lieu thereof: "provide a model to replicate these services in other schools and communities."

The Senate amendment, but not the House bill, refers to a Demonstration Program and states that the Secretary shall award all funds appropriated under this title to the Committee. The House recedes with an amendment striking Senate section 1103(a)(1) and inserting in lieu thereof a paragraph entitled "Partnership" and stating: "An interagency partnership comprised of the Secretary of Education, the Chairman of the National Endowment for the Humanities, the Chairman of the National Endowment for the Arts, and the Director of the Institute of Museum Services, or their designees, shall establish criteria and procedures for awarding grants, including the establishment of panels to review the applications, and shall administer the grants program authorized by this Section. The Secretary shall publish such criteria and procedures in the Federal Register."

The Senate amendment states that the Committee may reserve up to 5% of grant funds for administration and that grant recipients may also reserve 5% of grants for administration. The House bill has no such provisions. The House recedes with an amendment striking the word "Committee" and inserting in lieu thereof the word "Secretary."

The House bill part is entitled "Requirement of Coordination" and refers to grants received by the members of the partnership for purposes and target populations described into an integrated service delivery system located at a school, cultural, or other community-based site accessible to and utilized by at-risk youth. The Senate amendment is entitled "Coordination" and does not refer to such an integrated service delivery system. The Senate recedes with an amendment eliminating "Requirement of" in the title of the subsection.

The House bill part is entitled "Duration" and states that grants made under this part may be renewable upon the Secretary's determination of satisfactory progress for a maximum of 5 years. The Senate amendment part is entitled "Renewal" and states that the Committee is to make the determination of satisfactory progress. The Senate recedes.

The House bill states that the "Secretary shall ensure an equitable geographic distribution" and an "equitable distribution to both urban and rural areas with a high proportion of at-risk youth." The Senate bill states that the "Committee, to the extent feasible, shall ensure an equitable geographic distribution of subgrants." The House recedes with an amendment striking the word "Committee" and replacing it in lieu thereof with the word "Secretary."

The House bill part is entitled "Eligibility" and the subpart entitled "Services for In-School Youth; the Senate amendment is entitled "Eligible Entities." The House recedes with an amendment adding "and after school" after "in-school" in Senate section 11103(a)(3)(A).

The House bill defines an "eligible entity" as a partnership between a Title I eligible LEA and an institution of higher education or cultural entity located within or accessible to the boundaries of the LEA. The Senate amendment defines an "eligible entity" to include an individual school eligible to participate in a schoolwide program, explicitly makes museums and local arts agencies eligible for such partnerships and requires that the entity partnering with a school or LEA be accessible to individuals within the local school district. The House recedes.

The House bill, but not the Senate amendment, explicitly permits "libraries, performing, presenting and exhibiting arts organizations; literary arts organizations" and local arts organizations to enter into partnerships. The Senate amendment, but not the House bill explicitly includes cultural institutions and local arts agencies. The Senate recedes with an amendment adding "state and" prior to the phrase "local arts organizatins," and an amendment adding "cultural institutions;" before the word zoological.

The House bill requires that "private for-profit entities" have a history of training children and youth in the arts. The Senate amendment specifies an "effective history of training" such individuals in the arts or humanities. The House recedes with an amendment striking the word "effective."

The House bill makes Title 1 eligible LEAs eligible for partnerships for out of school youth. The Senate amendment permits any LEA or schoolwide program eligible school to be so qualified. The House recedes with an amendment striking Senate section 11103(a)(3)(b).

The Senate amendment, but not the House bill, states that the families of students shall only be served "to the extent practical." The House recedes.

The House bill, but not the Senate amendment includes in its target population out-of-school youth at risk of having limited future options as a result of teenage pregnancy, family migration or being a high school dropout. The Senate amendment refers to out-of-school children and youth at risk of disadvantages resulting from dropping out of school. The House recedes.

The House bill refers to at-risk youth; the Senate amendment refers to at-risk children and youth. The House recedes.

The House bill refers to ensuring the smooth transition of preschool children to elementary school, the Senate amendment refers to fostering such a transition. The House recedes.

The House bill includes as authorized activities, work with existing school personnel to develop curriculum materials and programs in the arts. The Senate amendment refers only to curriculum materials, not programs, in the arts. The Senate recedes.

The House bill includes as authorized activities, work with existing school personnel on staff development activities that encourage the integration of the arts into the curriculum. The Senate amendment does not refer to work with such school personnel. The Senate recedes.

The Senate amendment and the House bill refer to stipends for arts and humanities professionals to work with at-risk children and youth in schools. The House recedes with an amendment to Senate Section 11104(a)(8) striking the word "arts" and inserting in lieu thereof the word "artists."

The Senate amendment, but not the House bill, refers to training individuals who are not trained to work with children and youth. The House recedes.

The House bill refers to stipends for local artists work with at-risk children and youth; the Senate amendment refers to arts and humanities professionals working with such at-risk individuals. The House recedes.

The House bill states that the arts should be used to reform school practices; the Senate amendment refers to the arts and culture. The House recedes.

The House bill refers to appropriate equipment and necessary supplies. The Senate amendment refers to appropriate equipment or supplies. The House recedes.

The House bill requires the Secretary to give priority to eligible entities providing services beyond traditional school hours and refers to year round programs that provide services in the evenings and on weekends. The Senate version gives discretion to the Committee as to whether to give priority to programs extending beyond traditional school hours and does not refer to year round programs. The Senate recedes with an amendment striking Senate section 11103(c)(5).

The Senate amendment establishes a Committee comprised of 8 members of whom 2 shall be appointed by the Secretary of Education, 2 by the National Endowment for the Arts, 2 by the National Endowment for the Humanities and 2 by the Institute of Museum Services. The House bill contains no such provision. The Senate recedes.

The House bill part is entitled "Planning Grants," the Senate amendment is entitled "Planning Subgrants." The Senate recedes.

The House bill refers to applications made to the Secretary, the Senate amendment refers to awards by the Committee. The Senate recedes.

The House bill refers to applications made to the Secretary. The Senate amendment refers to applications made to the Committee. The Senate recedes.

The Senate amendment, but not the House bill, refers to applications submitted to the Committee. The Senate recedes.

The Senate amendment, but not the House bill, permits an individual school to apply for grants under this title. The House recedes.

The House bill, but not the Senate amendment, requires that applications describe the nature and location of sites where services will be delivered and a description of those services. The Senate recedes.

The Senate amendment, but not the House bill, requires that applications describe the training that will be provided to individuals who are not trained to work with children and youth and how teachers will be involved. The House recedes.

The House bill states that the amount of a grant may not be less than $100,000 nor more than $500,000 in the first year. The Senate amendment states that subgrants awarded under this title shall be of sufficient size, scope and quality to be effective. The House recedes.

The Senate amendment, but not the House bill, permits that the 20% of the non-federal share of programs required may include the provision of equipment. The House recedes.

The House bill, but not the Senate amendment restrict the scope of this section to amounts that exceed the amounts expended for such activities in the year preceding the year for which the grant is awarded. The Senate recedes.

The Senate amendment, but not the House bill, requires that the Secretary disseminates information concerning successful models under this title in consultation with the Committee. The House recedes with an amendment striking the language of Senate Section 11107 and inserting in lieu thereof: "The Secretary, in consultation with the Chairman of the National Endowment for the Humanities, the Chairman of the National Endowment for the Arts and the Director of the Institute of Museum Services, or their designees, shall submit successful models under this Title to the National Diffusion Network for its review."

The House bill authorizes $75 million for FY 1995 and such sums as may be necessary for the each of fiscal years 1996, 1997, 1998, 1999. The Senate bill authorizes $25 million for FY 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years. The House recedes with an amendment striking the term $20,000,000" and placing in lieu thereof "$45,000,000."

The Senate amendment but not the House bill requires that before any appropriations are made for this title, $177 million shall be appropriated for the National Endowment for the Humanities, $170 million shall be appropriated for the National Endowment for the Arts and $28 million shall be appropriated for the Institute of Museum Services. The Senate recedes.

The Senate amendment, but not the House bill, states that the Committee shall award subgrants under this title so as to ensure nonduplication of services provided by subgrant recipients and services provided by the National Endowment for the Humanities, the National Endowment for the Arts, and the Institute for Museum Services. The House recedes with an amendment deleting the words "subgrant" and "subgrants" where they appear and inserting in lieu thereof "grant" or "grants" respectively and deleting the word "Committee" and inserting in lieu thereof the word "Secretary."

The Senate amendment, but not the House bill, states that the Committee is to establish and transmit to the Secretary criteria and procedures for awarding subgrants under this Title. The Secretary is to publish such criteria and procedures in the Federal Register. The Senate recedes.

The Senate amendment but not the House bill requires the involvement of a certified teacher or trained instructor in carrying out the activities of a subgrant. The Senate recedes.

STATEMENT OF MANAGERS

NATIONAL WRITING PROJECT

1. The House bill, but not the Senate amendment, amends Section 201 of the National Writing Project provisions.

The House recedes.

2. The House bill eliminates a finding in current law which states that only 25 percent of 11th grade students have adequate analytical writing skills, and replaces that provision with (2), which states that the writing problem has been magnified by the rapidly changing student populations and the growing number of at-risk students due to limited English proficiency.

The Senate recedes.

3. The House bill amends current law finding to read as follows:

"(6) Writing and reading are both fundamental to learning, yet writing has been historically neglected in the schools and colleges, and most teachers in the United States elementary schools, secondary schools, and colleges have not been trained to teach writing."

The Senate recedes.

4. The House bill amends finding (10) in current law by giving examples of fields in which the National Writing Project has become a model from programs to improve teaching.

The Senate recedes.

5. The House bill amends current law finding (15) by changing the number of teachers seeking NWP training from 85,000 to 100,000. The House bill also strikes the statement that these teachers seek training through word of mouth endorsements from other NWP teachers, and instead, states that they seek the training through one of the 154 regional sites located in 45 States, the Commonwealth of Puerto Rico, and in 4 sites that serve U.S. teachers teaching in U.S. dependent and independent schools. The Senate recedes.

6. The House bill eliminates a finding (17) in current law which states that 13 National Writing Project sites in 8 different states have been discontinued in 1988 due to lack of funding.

The Senate recedes.

7. The House bill adds two new findings to current law findings stating that independent evaluation studies have found the NWP to be highly cost effective and that during 1991, the first year of Federal support for the NWP, the National Writing Project matched the $1,951,975 in Federal support with $9,485,504 in matching funds from State, local, and other sources.

The Senate recedes.

8. The Senate amendment adds a new provision to Section 202(a) which authorizes grants to coordinate activities assisted under this section with activities assisted under Part A—Eisenhower Professional Development Program. The House bill has no comparable provision.

The House recedes.

9. Both the House bill and the Senate amendment make identical changes to 202(d)—Federal Share such that the subsection reads as it is laid out here on the Senate version.

The House recedes.

10. Technical changes in House bill changing "to enable" as written in Senate amendment to "to pay the Federal share of the cost of enabling".

The Senate recedes.

11. The House bill,but not the Senate amendment, adds a new paragraph (4) which provides that for the purpose of this subsection, the term "Federal share" means, with respect to the costs of activities assisted under this subsection, 50 percent of such costs to the elementary or secondary school teacher."

The Senate recedes.

12. The House bill, but not the Senate amendment both make changes to current law section (g)—Evaluation. The Senate amendment provides that the Secretary shall conduct an independent evaluation by grant or contract of the teacher training programs administered pursuant to this Act in accordance with section 10701. The House bill does not specify "by grant or contract", and refers to programs assisted under this section.

The House recedes.

13. The House bill does not the Senate amendment adds a subsection (2) entitled Funding Limitation, which provides that the

Secretary shall reserve not more than $150,000 from the total amount appropriated pursuant to the authority of subsection (i) for fiscal year 1994 and the 4 succeeding fiscal years to conduct the evaluation described in paragraph (1).

The Senate recedes.

14. The House bill makes technical changes to current law, section (h) entitled Research and Development Activities, and provides that the National Writing Project shall make grants to individuals and institutions of higher education that either have participated in a National Writing Project institute or are institutions designated as NWP sites, to enable such individuals and institutions to conduct research activities involving the teaching of writing. [Under current law, this provision provides that the Secretary, through OERI, shall make grants to individuals and institutions of higher education to conduct research activities involving the teaching of writing.] The Senate amendment eliminates this entire section.

The House recedes.

15. The House bill adds a new provision, (2) entitled Application Review, which provides that the National Writing Project shall establish a National Review Board.

The Senate recedes.

16. The House bill, but not the Senate amendment, updates subsection (i) by authorizing for the National Writing Project $10,000,000 for FY 1994 and such sums as may be necessary for each of the four succeeding fiscal years. The House bill also amends paragraph (2) of subsection (i) to provide that in each fiscal year in which the appropriation equals or exceeds $10,000,000, there are authorized to be appropriated $500,000 to carry out subsection (h). The Senate amendment authorizes to be appropriated for the National Writing Project $4,000,000 for FY 1995, and such sums. The Senate amendment does not have a corresponding provision for R&D appropriations because it eliminated that provision.

The House recedes.

17. The House bill maintains current law by requiring the Secretary to give priority to junior researchers and to award at least 25 percent of the funds received to junior researchers. The House bill also eliminates a provision requiring the Secretary to make available to the National Writing Project and other information dissemination networks the findings of the research conducted through OERI. The Senate amendment eliminates these provisions.

The House recedes.

TITLE XI—COORDINATED SERVICES PROJECTS

The House bill includes a separate title in ESEA which allows local educational agencies to use up to 5 percent of the funds they receive under ESEA programs (see the ESEA general provisions side-by-side) for the coordination of social, health and education services necessary for students to succeed in school and for their families to take an active role in ensuring that children receive the best possible education; the Senate amendment allows targeted assistance schools to use Title I funds for similar purposes (see the Title I side-by-side).

The Senate recedes.

TITLE XII—SCHOOL FACILITIES INFRASTRUCTURE

Findings

1. Both the House bill and the Senate amendment have a Title relating to school facilities: The House has a loan program called "School Facilities Improvement Act," while the Senate has a grant program called "Education Infrastructure."

The Senate recedes with amendment inserting "infrastructure" after "Facilities."

2. The Senate amendment, but not the House bill, has a short title.

Legislative Counsel.

3. The House bill finds that according to a 1991 survey conducted by the American Association of School Administrators, 74 percent of all public school buildings in the United States need to be replaced.

The Senate recedes.

4. The House bill finds that almost one-third of such buildings were built prior to World War II.

The Senate recedes.

5. The House bill finds that it is estimated that 1 out of every 4 public school buildings in the U.S. is in inadequate condition, and of such buildings, 61 percent need maintenance or major repairs, 43 percent are obsolete, 42 percent contain environmental hazards, 25 percent are overcrowded, and 13 percent are structurally unsound.

The Senate recedes.

6. The House bill finds that large numbers of local educational agencies have difficulties securing financing for school facility improvement.

The Senate recedes with amendment adding "school libraries and media centers."

7. The Senate amendment finds that improving the quality of public elementary and secondary school libraries, media centers, and facilities will help our Nation meet the National Education Goals.

The House recedes with amendment striking "libraries, media centers and facilities" and adding an "s" on the end of "school."

8. The Senate amendment finds that Federal, State and local funding for the repair, renovation, alteration, and construction of public elementary and secondary school libraries, media centers, and facilities has not adequately reflected need.

The House recedes with amendment striking "libraries, media centers and facilities" and adding an "s" on the end of "school."

9. The Senate amendment finds that the challenges facing our Nation's public elementary and secondary schools require the concerted and collaborative efforts of all levels of government and all sectors of the community.

The House recedes.

Purpose

10. The purpose in the House bill is to leverage limited federal funds to enable LEAs to finance the costs of improving school facilities. The purpose in the Senate amendment is to help our nation

meet the National Education Goals through the repair, renovation, alteration, and construction of public school libraries, media centers, and facilities used for academic or vocational instruction.

The House recedes with an amendment striking "through the repair . . ." through the end of the paragraph, ending with the word "instruction", and replacing it with language from the House provision, such that the paragraph now reads:

"It is the purpose of this title to help our Nation meet the National Education Goals through the provision of federal funds to enable local educational agencies to meet the costs associated with the improvement of schools within their jurisdiction."

11. The House authorizes a loan program for construction, reconstruction, or renovation of schools; the Senate authorizes a grant program for the activities described in section 15008 of the Senate amendment.

The House recedes.

Reservation of Funds for Indian Schools

12. The Senate amendment, but not the House bill, allows the Secretary to reserve not more than 1% of the appropriations for Indian schools.

The House recedes.

Eligible LEAs and Criteria

13. Under the House bill, an LEA is eligible if it is eligible for a Concentration Grant under section 1124A of the House bill. Under the Senate amendment, an LEA is eligible if at least 15 percent of its children are poor or if at least 90 percent of its property is owned by the Federal Government (as defined under the Impact Aid provisions of the Senate amendment). To be eligible under the Senate amendment, an LEA must also demonstrate urgent need.

The House recedes.

14. The House bill, but not the Senate amendment, has a provision stating that the Secretary may provide assistance for construction only if it will be undertaken in an economical manner.

The House recedes.

15. The Senate amendment further defines an eligible LEA as one which demonstrates in the application submitted under section 15006 that such agency has urgent repair, renovation, alteration and construction needs for its public elementary or secondary school libraries, media centers, and facilities used for academic or vocational instruction.

The House recedes with amendment striking libraries, media centers, and facilities and adding an "s" after "school."

16. The Senate amendment, but not the House bill, classifies eligible LEAs into 6 award categories based on district enrollment.

The House recedes.

Priorities/Criteria

Note 17. The House bill lists priorities for approving loans. The Senate amendment lists criteria for awarding grants.

The House recedes with an amendment changing "including" to "such as" and moving (2), (3) and (4) to the Senate list under "(a) Criteria", so that the criteria list includes the following:

1. High numbers or percentages of poor children;
2. School district's lack of fiscal capacity;
3. The threat that the condition of facilities poses to safety of students;
4. Demonstrated need for construction;
5. The age of the facility to be renovated or replaced; and
6. Other criteria the Secretary determines to be necessary.

Note 18. The Senate amendment lists as criteria for allocating funds among the six categories of LEAs: 1) relative numbers or percentages of poor children, and 2) relative costs of carrying out activities under this title.

The House recedes with amendment adding after "among" the words "each of" and striking the word "category" and changing it to "categories"; striking the words "after considering such factors as" and inserting "including" after the word "appropriate," so that the section reads:

"(2) ALLOCATION AMONG CATEGORIES—The Secretary shall allocate funds under this title among each of the categories described in paragraph (1) on such basis as the Secretary determines is appropriate, including:

> (A) The relative numbers or percentages of students counted under section 1123(c)(1); and
>
> (B) the relative costs of carrying out activities under this title in eligible local educational agencies in each such category."

Loans/Grants—On Hold

19. The House bill allows the Secretary to determine the maximum loan amount for each recipient based on the total development cost of the facility. The Senate amendment requires that the Secretary determine a maximum grant amount for each category of LEAs.

The House recedes.

20. Under the House bill, the Secretary may, within certain guidelines, determine repayment periods and terms for each loan.

The House recedes.

21. The House bill, but not the Senate amendment, has a section called "General Provisions" regarding the Secretary's budget and accounting procedures, use of funds, and legal powers for the loan program.

The House recedes.

22. Budget and Accounting: The Secretary must prepare a budget and maintain accounts which shall be audited by the Comptroller General.

The House recedes.

23. Use of Funds: Funds shall be deposited in a checking account with the Treasurer of the United States. Congress may authorize funds for the Secretary's administrative expenses.

The House recedes.

24. Legal Powers: The Secretary may prescribe rules and regulations, sue and be sued, foreclose property or take action to enforce rights, dispose of acquired property, sell or exchange property and securities, obtain insurance, and include necessary conditions in contracts made under this part.

The House recedes.

25. The House bill, but not the Senate amendment, says that section 3709 of the Revised Statutes shall not apply to contracts for under $1,000 for services or supplies under this part.

The House recedes.

26. The House bill, but not the Senate amendment, provides that the Government Corporation Control Act shall apply to the Secretary's activities under this part.

The House recedes.

27. Both bills require that laborers and mechanics be paid in accordance with the Davis-Bacon Act, but the provisions are drafted differently.

Legislative Council.

28. The House bill, but not the Senate amendment, also has a provision requiring overtime pay.

The House recedes.

29. The House bill, but not the Senate amendment, allows the Secretary waive the Davis-Bacon and overtime provisions if laborers or mechanics voluntarily donate their services and the resulting savings are credited to the educational institution undertaking construction.

The House recedes.

30. The House bill prohibits an LEA from receiving more than one loan in a five-year period unless the second loan is used for a facility damaged by a natural disaster. The Senate amendment prohibits an LEA from receiving more than one grant in a five-year period.

The House recedes.

31. The House bill prohibits more than 12.5% of the total loan funds from going to any one state in any given year.

The House recedes.

Definitions

32. Both bills have definition sections, but the House bill defines the term "school," while the Senate amendment defines the following terms: alteration, construction, renovation, and repair.

33. The Senate recedes with amendment adding "public" before "structures" and before "elementary and secondary school students," and adding "media centers" after the word "libraries.".

34. The Senate amendment includes a definition of the term "alteration.".

The Senate recedes.

35. The Senate amendment includes a definition of the term "construction."

The House recedes with an amendment such that the definition reads:

"The term construction means the alteration or renovation of a building, structure, or facility, including the concurrent installation of equipment, including the complete or partial replacement of an existing facility, but only if such replacement is less expensive and more cost-effective than alteration, renovation, or repair of the facility."

36. The Senate defines the term "renovation."

The Senate recedes.

37. The Senate defines the term "repair."

The Senate recedes.

Applications

38. The Senate amendment, but not the House bill, requires an application from LEAs that desire to receive a grant. The application must contain:

(a) an assurance that the application was developed in consultation with parents and teachers.

The House recedes.

(b) a description of repairs to be made, with a priority for each.

The House recedes.

(c) the criteria used by the LEA to determine the type of corrective action necessary to meet the purpose of this title.

The House recedes.

(d) a description of this corrective action.

The House recedes with amendment changing "corrective action" to "improvement."

(e) a cost estimate of this corrective action.

The House recedes with amendment changing the term "corrective action" to "improvement."

(f) an identification of other resources, including bonding capacity, that are available to carry out activities funded under this title.

The House recedes with amendment changing "including" to "such as."

(g) a description of how activities funded under this title will support energy conservation.

The House recedes.

(h) other information the Secretary requires.

The House recedes.

39. The Senate amendment, but not the House bill, has a provision saying that the Secretary shall only award grants if sufficient funds will be provided (from this title or other sources) to carry out the activities for which assistance is sought.

The House recedes with amendment replacing "including" with "such as" and adding after "issuance of bonds" the phrase "or savings generated from performance contracting".

Authorized Activities

40. The Senate amendment, but not the House bill, has a separate section listing authorized activities, both general and particular.

The House recedes.

41. The House bill (in section 11003) lists the authorized activities as "construction, reconstruction, or renovation" (these terms are not defined). The Senate amendment lists the authorized activities as ensuring the health and safety of students through repair, renovation, alteration, and construction (these terms are defined in section 15004 of the Senate amendment) and accommodating new instructional technology.

The House recedes with amendment striking "(2) upgrade or alter such library, center or facility in order to accommodate new instructional technology." This amendment reflects the conferees' intent that funds awarded under this title are not to be authorized for the accommodation of new instructional technology.

Definition of Facilities

42. The House bill allows authorized activities to take place in schools and defines schools (in section 11005; *see note 23*) as "structures suitable for use as classrooms, laboratories, libraries, and related facilities, the primary purpose of which is the instruction of elementary and secondary school students." The Senate amendment allows authorized activities to take place in "a public elementary or secondary school library, media center, or facility, used for academic or vocational instruction."

The House recedes.

Permissive Activities

43. The Senate amendment, but not the House bill, list several examples of permissive activities under this title, including: meeting requirements of the Rehabilitation Act and the Americans with Disabilities Act; the removal or containment of hazardous materials; meeting federal, state, or local codes; replacing an old facility if replacement is more cost-effective than renovation.

The House recedes with an amendment striking (2) concerning the removal or containment of hazardous materials; striking (3) concerning the meeting federal, state, or local codes and (4) relating to the replacement of an old facility if it is more cost-effective. Although these provisions are deleted from the text of the bill, the conferees intend that each eligible local educational agency receiving a grant under this title may use the grant funds for the removal or containment of severely hazardous material such as asbestos, lead, and radon using a cost effective method. The conferees also intend that such funds may be used to meet Federal, State or local codes related to fire, air, light, noise, waste disposal, building height, or other codes passed since the initial construction of such school library, media center or facility, and to replace an old such school library, media center or facility that is more cost-effective to tear down than to renovate.

General

44. The Senate amendment, but not the House bill, includes a maintenance of effort provision.

The House recedes with cross-referencing language to maintenance of effort in Title X—General Provisions.

45. The Senate amendment, but not the House bill, provides that an eligible LEA shall use funds received under this title only to supplement, not supplant funds from non-Federal sources.

The House recedes with cross-referencing language to Title X—General Provisions.

46. The Senate amendment, but not the House bill, includes limitations regarding acquisition of real property, maintenance costs, environmental safeguards, and athletic facilities.

The House recedes.

47. The Senate amendment, but not the House bill, requires that the Secretary reserve not more than 1% of the appropriations

to collect data, conduct studies and evaluations, and report to Congress on activities supported under this title.

The Senate recedes.

48. The House bill authorizes $200 million for FY 1995 and such sums for each of the 4 succeeding fiscal years; the Senate amendment authorizes $400 million for FY 1995 and such sums for each of the 4 succeeding fiscal years.

The Senate recedes.

TITLE XIII—SUPPORT AND ASSISTANCE FOR ESEA PROGRAMS

1. The Senate amendment, but not the House bill, organizes the part into three subparts and entitles the first one "Subpart 1 Comprehensive Regional Centers" before the findings section.

The House recedes with an amendment to begin subpart 1 after the findings and purpose.

Findings

2. Technical difference. (The Senate amendment, but not the House bill, adds the word "assisted" after "programs.")

The House recedes.

3. The House bill, but not the Senate amendment, includes "effective program dissemination" as an essential ingredient to the implementation of this Act.

The Senate recedes.

4. Technical difference. (The House bill refers to the "strategy of the reauthorization of this Act" while the Senate amendment refers to "the strategy of the Improving America's Schools Act of 1994.")

Legislative counsel.

5. The House bill refers to "challenging State performance standards and challenging State student performance standards."

The House recedes.

6. The House bill, but not the Senate amendment, lists "tribes" among agencies delivering educational services.

The Senate recedes.

7. In listing types of students with special needs, the Senate amendment but not the House bill, lists "students with disabilities".

The House recedes.

8. The House bill refers to "challenging State standards" while the Senate amendment uses the term "challenging State content standards and challenging State student performance standards."

The House recedes.

9. The House bill finding describes "technical assistance and dissemination efforts" as fragmented while the Senate amendments include only "technical assistance efforts."

The Senate recedes.

10. The House bill, but not the Senate amendment, includes "tribes."

The Senate recedes.

11. The House bill uses the term "to reach challenging State student standards" while the Senate amendment uses "to meet challenging State content standards and challenging State student performance standards."

The House recedes.

12. The House bill refers to "as they implement" while the Senate amendment refers to "as such schools and systems implement."

Legislative counsel.

13. The House bill states that comprehensive technical assistance "would provide coordinated assistance" while the Senate amendment states that it "will provide one-stop shopping."

The Senate recedes.

14. The House bill, but not the Senate amendment, includes tribes as a recipient of technical assistance.

The Senate recedes.

15. The Senate amendment, but not the House bill, includes "pupil services" as an entity to receive technical assistance.

The Senate recedes.

16. The House bill, but not the Senate amendment, includes State Literacy Resource Centers and vocational resource centers among the explicitly named entities with which the assistance providers supported under this part should coordinate.

The Senate recedes.

17. The House bill, but not the Senate amendment, includes a finding on prioritizing assistance to LEAs and schools.

The Senate recedes.

18. The House bill, but not the Senate amendment, includes a finding on the need to both encourage program integration and maintain services for special needs students, such as limited English proficiency students.

The House recedes.

Purpose

19. The House bill, but not the Senate amendment, states that a purpose of this part is to "create a national technical assistance and dissemination system."

The Senate recedes.

20. The House bill, but not the Senate amendment, includes "tribes" among the list of explicitly named recipients of technical assistance.

The Senate recedes.

21. The Senate amendment, but not the House bill, includes "administering" programs as part of the purpose.

The House recedes.

22. In the House bill, the purpose of this part includes implementing programs "in a manner that improves teaching and learning for all students" while the Senate amendment includes a separate purpose of providing technical assistance in "implementing school reform programs."

The House recedes with an amendment to merge the House and Senate provisions.

23. The House bill states "those programs" while the Senate amendment states "such programs."

The House recedes.

24. The House bill, but not the Senate amendment, includes "plans" along with activities as part of what must be coordinated with other entities.

The Senate recedes.

25. The House bill uses the term "challenging State performance standards" while the Senate amendment uses "challenging State content standards and challenging State student performance standards."

The House recedes.

26. The House bill, but not the Senate amendment, lists specifically "students at risk of educational failure" as those who need assistance in meeting high standards.

The Senate recedes.

27. The House bill, but not the Senate amendment, includes a separate purpose of adopting, adapting, and implementing promising and proven practices for improving teaching and learning.

The Senate recedes.

Programs Authorized

28. The House bill, but not the Senate amendment, authorizes more than one program in this section.

The House recedes.

29. The House bill refers to "Comprehensive Assistance Centers" whereas the Senate amendment refers to "Comprehensive Regional Centers."

The House recedes with an amendment to make the name "Comprehensive Regional Assistance Centers".

30. The Senate amendment, but not the House bill, includes the provision "Notwithstanding section 6205" which maintains separate, categorical Indian technical assistance centers.

The Senate recedes with an amendment to add:

"(b) SERVICE TO INDIANS AND ALASKA NATIVES.—The Secretary shall ensure that each regional center that serves a region with a significant population of Indian or Alaska Native students shall—

(1) be awarded to a consortium which includes a tribally-controlled community college or other Indian organization; and

(2) assist in the development and implementation of instructional strategies, methods and materials which address the specific cultural and other needs of Indian or Alaska Native students;"

31. The House bill authorizes the Secretary to "award grants or enter into contracts" with technical assistance entities. The Senate amendment authorizes the Secretary to carry out this part directly or though grants, contracts or cooperative agreements.

The House recedes.

32. In the House bill, eligible entities for such grants or contracts are "public or private nonprofit entities or consortia." In the Senate amendment, they are "public or private agencies or organizations or consortia of such agencies and organizations."

The Senate recedes.

33. The House bill establishes "a networked system of 15 centers" to be placed by the Secretary while the Senate amendment establishes 11 centers, one center in each of the Departments 10 regions and one at the Pacific Regional Education Laboratory in Honolulu, HI.

The Senate recedes with an amendment adding "including one center in Hawaii. Such centers"

34. The Senate amendment, but not the House bill, authorizes the Secretary to authorize field offices for each of the centers.

The Senate recedes.

35. Technical difference. (The Senate amendment, but not the House bill, uses the phrase "in order to provide.")

Legislative counsel.

36. The House bill, but not the Senate amendment, includes "research-based training" as an activity to be provided.

The House recedes.

37. The House bill, but not the Senate amendment, includes "tribes" and "community-based organizations" as entities to receive technical assistance.

The Senate recedes.

38. Technical difference. (The House bill refers to "their administration while the Senate amendment refers to "the administration.")

Legislative counsel.

39. The House bill states "in establishing centers and allocating resources" while the Senate amendment states "in allocating resources."

The Senate recedes.

40. Both the House bill and Senate bill require the Secretary to consider the geographic distribution of special needs students when allocating resources to centers however the House lists explicitly several types of special needs students as well as the needs of areas in geographic isolation.

The Senate recedes with an amendment adding "and urban" after "rural."

41. The House bill authorizes the National Diffusion Network and state-based technical assistance as a subsection of this section while the Senate authorizes it as a separate sub-part. (See note #609)

The House recedes with an amendment to merge the House and Senate language authorizing the National Diffusion Network as follows: "In order to implement the purposes of this part, the Secretary shall carry out a State-based outreach, consultation, training and dissemination program through the National Diffusion Network and its State Facilitators. To carry out such program, the Secretary shall make awards in each State and territory and in the Bureau of Indian Affairs in order to assist state and local educational agencies, schools, and other appropriate educational entities to identify and secure appropriate, high-quality technical assistance from the comprehensive assistance centers and other sources and to identify and implement exemplary or promising educational programs and practices. The Secretary shall carry out this subpart through grants to or contracts with public or private nonprofit organizations or institutions with demonstrated expertise in the areas of applied education research and program dissemination."

42. Regarding the National Diffusion Network (NDN) state-based programs, the House bill authorizes the Secretary to award grants or enter into contracts in each State, territory, and the Bureau of Indian Affairs whereas the Senate amendment requires the

Secretary to make "one or more awards in each State" to establish state-based technical assistance entities.

The Senate recedes.

42. The Senate amendment, but not the House bill, establishes NDN in order to increase the effectiveness of the comprehensive centers.

The Senate recedes.

44. In the House bill, the eligible entities for the NDN awards are public and private nonprofit entities. In the Senate amendment, eligible entities for NDN awards are "public educational agencies or public or private nonprofit educational organizations or institutions."

The Senate recedes.

45. The House bill, but not the Senate amendment, explicitly identifies this state-based program as the National Diffusion Network.

The Senate recedes.

46. The House bill (in section 2347), but not the Senate amendment, includes "training" in addition to "outreach, consultation, and dissemination" as part of the state-based program.

The Senate recedes.

47. The House bill defines the NDN role as helping education providers in identifying and securing high quality technical assistance for as well as information on and assistance in adopting effective programs and practices and working with the comprehensive assistance centers to provide these services. The Senate amendment identifies the NDN role only as assisting education providers to identify and implement exemplary or promising educational programs and practices.

The Senate recedes.

48. The House bill, but not the Senate amendment, includes a number of accountability measures including providing for an external peer review system, surveys, and performance measures.

The Senate recedes with amendments to strike the peer review provisions and the annual report provision and to require that the surveys be conducted of eligible recipients of services rather than simply of users of services.

49. Both the House bill and the Senate amendment provide for an evaluation. The House bill authorizes an "independent evaluation of the comprehensive centers and the NDN" while the Senate amendment authorizes an evaluation of all the activities assisted under this part.

The House recedes and the Senate recedes striking the evaluation provisions.

50. The House bill requires the evaluation to be reported to Congress prior to the next reauthorization of ESEA, while the Senate amendment requires it be reported to the President and Congress by January 1, 1998.

The House recedes and the Senate recedes.

51. The House bill, but not the Senate amendment, specifies that all funds under this section will be awarded for five-year periods.

The Senate recedes with an amendment striking the extension of contracts provision.

Requirements of Comprehensive Assistance Centers

52. The House bill section is entitled "Requirements of Comprehensive Assistance Centers" while the Senate amendment section is entitled "Comprehensive Regional Centers."

The Senate recedes with an amendment to merge the House requirements and duties of the centers and the Senate list of duties of the centers as follows:

"(b) SUPPORT AND ASSISTANCE.—Comprehensive regional assistance centers shall maintain appropriate staff expertise and shall provide support, training and assistance to State educational agencies, tribal divisions of education, local educational agencies, schools and other grant recipients under this Act in—

(1) improving the quality of instruction, curricula and assessments supported with funds under Title 1 of this Act;

(2) implementing effective schoolwide programs under Title 1 of this Act;

(3) meeting the needs of children served under this Act, including children in high-poverty areas, migratory children, immigrant children, children with limited English proficiency, neglected or delinquent children, homeless children and youth, Indian children, children with disabilities, and, where applicable, Alaska Native and Native Hawaiian children;

(4) implementing high quality professional development activities for teachers and, where appropriate administrators, pupil service personnel, and other staff;

(5) improving the quality of bilingual education, including programs that emphasize English and native language proficiency and promote multicultural understanding;

(6) creating safe and drug-free environments, especially in areas experiencing high levels of drug use and violence in the community and schools;

(7) implementing educational applications of technology;

(8) coordinating services and programs to meet the needs of students so that they can fully participate in the educational program of the school;

(9) expanding the involving and participation of parents in the education of their children;

(10) reforming schools, school systems and the governance and management of schools;

(11) evaluating programs; and

(12) meeting the special needs of students living in urban and rural areas and the special needs of local educational agencies serving urban and rural areas.

53. The House refers to each center as a "comprehensive assistance center" while the Senate refers to each "comprehensive regional center."

The House recedes with an amendment to name the centers "comprehensive regional assistance centers".

54. The Senate amendment includes "shall" in the introduction to the paragraphs. The House bill includes "shall" at the beginning of each paragraph.

Legislative counsel.

55. The House bill, but not the Senate amendment, specifies that staff at the centers maintain expertise in "assessment."

The Senate recedes.

56. The House bill specifies that staff at the centers must maintain expertise in "title I of the Act" while the Senate amendment states only "title I."

The Senate recedes.

57. The House bill, but not the Senate amendment, includes "immigrant children" in the types of children to be served.

The Senate recedes.

58. In listing the types of children whose needs should be served by the centers, the House bill, but not the Senate amendment, includes "where applicable, Alaskan Native children and Native Hawaiian children."

The Senate recedes.

59. In listing areas of professional development expertise, the Senate amendment, but not the House bill, includes "pupil services personnel."

The House recedes.

60. The House bill uses the term "challenging State performance standards" while the Senate amendment uses "challenging State content standards and challenging State student performance standards."

The House recedes and the Senate recedes.

61. The House bill, but not the Senate amendment, includes "coordination of services" in the list of areas of expertise to be maintained by the centers.

The Senate recedes.

62. The House bill, but not the Senate amendment, includes "school governance and management" in the list of areas of expertise to be maintained by the centers.

The Senate recedes.

63. The House bill, but not the Senate amendment, includes "partnerships between the public and private sector" in the list of areas of expertise to be maintained by the centers.

The House recedes.

64. The House bill includes a separate paragraph requiring that the centers "shall ensure, where appropriate" staff expertise in the needs of rural students and LEAs and includes "in" before "the special needs of LEAs." The Senate bill lists the needs of rural students and LEAs as a subparagraph of the paragraph outlining expertise to be maintained by each center.

The House recedes.

65. The Senate amendment, but not the House bill, uses "assisted" under this Act.

Legislative counsel.

66. The House bill, but not the Senate amendment, requires that the centers reflect the "diverse linguistic and cultural expertise appropriate to the region served."

The House recedes.

67. The Senate amendment, but not the House bill, requires that the centers work collaboratively with the Departments' regional offices.

The House recedes.

68. The House bill requires the centers to "coordinate services, work cooperatively, and regularly share information with" other

technical assistance providers. The Senate amendment requires the centers to "work collabortively, and coordinate the services such centers provide with" other technical assistance providers.

The Senate recedes.

69. The House bill requires that the centers work with virtually all technical assistance providers funded by the Department of Education (and lists many of them) while the Senate amendment specifies that they work with the regional laboratories and NDN.

The Senate recedes.

70. The House bill, but not the Senate amendment, lists as the purpose of this "to provide a broad range of services to schools in the region while minimizing the duplication of such services."

The Senate recedes.

71. The Senate amendment, but not the House bill, requires that the centers consult with "representatives of State educational agencies, local educational agencies, and populations served under this Act."

The House recedes.

72. The House bill states that centers will work with or through NDN State Facilitators to provide services to SEAs, LEAs, tribes and schools and to provide the support that NDN agents need to carry out their mission. The Senate amendment requires the centers to provide information on exemplary and promising practices.

The Senate recedes.

73. The House bill, but not the Senate amendment, has a number of provisions specifying the duties of the comprehensive centers. These duties include providing the following assistance in the following areas to SEAs, LEAs, tribal divisions of education, schools and others: development of plans; development and use of curricula; development and use of instructional strategies and materials; development of non-discriminatory assessments; development and implementation of school-wide projects; professional development; parental involvement; creating safe and drug-free schools; coordination of services; evaluation of school programs; uses of technology; school governance; and establishing public/private partnerships.

Additional duties includes working with the NDN State Facilitators to disseminate promising programs, policies, and practices and working with States to establish school support teams for schoolwide projects.

The House recedes with an amendment to add the last duty in this section to the merged list of responsibilities for the centers.

74. The House bill, but not the Senate amendment, provides for maintaining at least current service levels for assistance to bilingual, migrant, immigrant, and Indian students.

The Senate recedes with an amendment adding "educationally disadvantaged students, including students in urban and rural areas" to those for whom services must be maintained.

75. The House bill, but not the Senate amendment, provides for maintaining the current ratio of technical assistance funds devoted to limited-English proficient, immigrant, and migrant relative to the whole of technical assistance funds.

The House recedes.

76. The House bill, but not the Senate amendment, provides for maintaining the current ratio of technical assistance funds devoted to Indian students relative to the whole of technical assistance funds.

The House recedes.

77. The House bill, but not the Senate amendment, requires that applications for grants or contracts for technical assistance centers include provisions concerning expertise, outreach, support from area served, how they will allocate services and how they will utilize technology to provide services.

The Senate recedes with an amendment to place this in subpart 1 and an amendment to strike the provision on technology.

78. The House bill, but not the Senate amendment, requires the Secretary to give priority to consortia including Indians when approving applications for centers serving Indians.

The House recedes.

79. Regarding transition activities, the House bill extends current technical assistance center and NDN contracts through fiscal year 1995. The Senate amendment requires the Secretary to use funds from this part "for at least fiscal years 1995 and 1996" for transition efforts. The Secretary shall use these funds to "draw on the expertise of staff and services from existing categorical assistance centers" and, where appropriate, to extend grants or awards to "ensure that services will not be interrupted . . ."

The Senate recedes with an amendment to extend the transition period through FY96 and add Senate language on drawing on the expertise of the current categorical centers.

80. The House bill includes a section on the purpose and duties of NDN while the Senate includes a separate subpart on NDN. See note #570.

The House recedes.

81. The House bill, but not the Senate amendment, includes "training" as part of this state-based program. See note #575.

Delete note.

82. The House bill authorizes OERI "to award grants or enter into contracts" for NDN State Facilitators. The Senate amendment requires that the OERI Office of Reform Assistance and Dissemination administer the NDN State Facilitators program.

The Senate recedes with an amendment to merge the House and Senate provisions on administration of NDN as follows:

ADMINISTRATION.—The National Diffusion Network State Facilitators programs shall be administered by the Office of Reform Assistance and Dissemination established under section 941(b) of the Educational Research, Development, Dissemination, and Improvement Act of 1994. Such office shall award grants or enter into contracts in each State with public or private nonprofit educational organizations or institution with demonstrated experience and expertise in the areas of implementation of education programs and program dissemination to carry out activities described in section .

83. The House bill's provisions under "National Diffusion Network State Facilitators" (subsection c) are similar to the Senate amendment's Coordination provisions (paragraph 1) except that the Senate amendment, but not the House bill, includes "close" before "coordination" and it includes "and coordinate their activities."

The House recedes.

84. The House bill, but not the Senate amendment, lists the recipients of technical assistance.

The Senate recedes with an amendment to write the introduction to the State Facilitator duties as follows:

STATE FACILITATOR ACTIVITIES.—The National Diffusion Network State Facilitators for each State shall provide professional development and technical assistance services to assist State educational agencies, local educational agencies, tribal divisions of education, schools, and other entities assisted under this Act in—"

85. The House states that the duties of the NDN State facilitators Facilitators shall be to: help define technical assistance needs and align them with school reform, professional development and technology plans; secure technical assistance services from all Department of Education and other technical assistance providers; identify and address educational technology needs; assist in preparation for intensive on-site technical assistance; assist in the use of technology including the development of regional and national electronic networks; deliver professional development services; and provide organizational development services.

The Senate amendment defines the State Facilitator duties as: identifying programs and practices for dissemination; identifying technical assistance needs, including those for technology; providing professional development services; identifying programs for dissemination; promoting and facilitating teacher networks throughout the State; and conducting outreach.

The Senate recedes with an amendment to combine the House and Senate list of activities as follows: defining technical assistance needs and aligning them with title 1, school reform, professional development, and technology plans and activities; securing the technical assistance and professional development services that can best fulfill such needs by utilizing the services of the comprehensive regional assistance centers, the regional education laboratories, the Eisenhower Math-Science regional consortia, State Literacy Resource Centers, and other technical assistance providers including local providers of professional development services; identifying educational technology needs and securing the necessary technical assistance to address them in coordination with the Eisenhower regional consortia; utilizing technology, including regional and national electronic networks, to increase their access to technical assistance, professional development services, and dissemination of effective programs and promising practices.

86. The House bill, not the Senate amendment, lists additional duties for NDN State Facilitators which include: sharing promising practices; working with school support teams; distinguished educators and the comprehensive centers; and conducting outreach.

The Senate recedes with an amendment to strike the House (2), (3), (4), and (6) and add the Senate's (1), (4), and (5) from note #614 to the Additional Duties provisions.

87. The House bill titles this subsection "National Diffusion Network Effective Practices" while the Senate amendment titles it "National Diffusion Network Effective Programs and Promising Practices System."

The House recedes.

88. Technical difference. (The House bill refers to "such programs" while the Senate amendment refers to "such system.")

Legislative Counsel.

89. Technical difference. (The House bill refers to the "Department of Education" while the Senate amendment refers to the "Department.")

Legislative counsel.

90. The House bill states "such a system should" while the Senate amendment states "such a system shall."

The House recedes.

91. Technical difference. (The House bill and Senate amendment refer to the "Office of Reform Assistance and Dissemination" differently.)

Legislative counsel.

92. The House bill refers to "a grants program to such validated Effective Practices"; the Senate amendment refers to "a grant program" and to regarding such systems."

Legislative counsel.

93. The House bill, but not the Senate amendment, gives service priority to schoolwide projects and to the poorest LEAs and BIA schools.

The Senate recedes.

94. Technical difference. (The House bill, but not the Senate amendment, includes "also" before "authorized.")

The House recedes.

95. The Senate amendment, but not the House bill, lists "community-based organizations" as an entity to which technology-based technical assistance will be accessible.

The House recedes on "community-based organizations". The Senate recedes on keeping this provision a separate section paid for by funds other than those authorized in this title.

96. The House bill, but not the Senate amendment, states that the program under this part will be administered jointly by three offices in the Department of Education.

The House recedes.

97. The House bill authorizes the entire part at $70 million for 1995 with not less than $25 million of that amount to be for the NDN and such sums through 1999 while the Senate amendment authorizes $70 million in 1995 and such sums through 1999 for the comprehensive centers and $25 million in 1995 and such sums through 1999 for NDN.

The House recedes with an amendment to change subpart to part.

98. The House bill authorizes funds in this section for the entire part while the Senate amendment authorizes funds for each subpart at the end of each subpart.

The House recedes.

Program Established

99. The Senate amendment, but not the House bill, reauthorizes the Eisenhower Regional Math and Science Education Consortia as a subpart of this part. The Secretary, in consultation with the Director of the National Science Foundation, is authorized to

award grants or contracts for such consortia for the purpose of disseminating math and science materials and providing technical assistance. One consortium shall be in each regional education laboratory region. Grants or contracts shall be for not more than five years.

The House recedes.

Use of Funds

100. The Senate amendment, but not the House bill, authorizes funds to: work with the Eisenhower Clearinghouse; assisting and providing technical assistance in the use of math and science materials; provide training in math and science instruction; provide financial assistance so that educators may attend consortium activities; implement programs and activities for groups underrepresented in and underserved by math and science education; help SEAs and LEAs assess science equipment needs and the need for math and science academies; develop and disseminate early childhood math and science instructional materials; disseminate information on informal math and science activities in the region; collect data for the purpose of evaluating the work of the consortia; identify exemplary practices and materials within the region and report it to the Eisenhower Clearinghouse, communicate with other entities delivering services to students and teachers of mathematics; assist with State and regional plans for systemic reform in math and science; and increase the use of informal educational entities.

The House recedes.

Application and Review

101. In the Senate amendment, but not the House bill, applications must demonstrate: expertise in math and science education; the ability to implement and disseminate math and science materials, teaching methods, and assessment tools; the ability to carry out the functions of the regional consortium; an emphasis on meeting the needs of those underrepresented in and underserved by math and science education; that the business community will play an integral in the consortium's work; that the entity will consider Star School resources in carrying out this subpart; an assurance that activities will be conducted in compliance with copyright laws.

The House recedes.

102. In the Senate amendment, but not the House bill, the Secretary must develop procedures and criteria to ensure that grants or contracts are awarded based on merit through a peer review process consisting of national panels appointed by the Secretary.

The House recedes.

103. In the Senate amendment, but not the House bill, each entity receiving a grant or award shall establish a broadly representative regional board to oversee the administration and program priorities of the consortia. No federal funds may be used for this board except for travel or accommodations for board members who could not otherwise participate.

The House recedes.

Payments; Federal Share; Non-Federal Share

104. In the Senate amendment, but not the House bill, the federal share in funding the activities of the consortia shall be 80%. The remaining 20% may be cash or inkind contributions and at least 10% of the non-federal share must come from non-governmental sources.

The House recedes.

Evaluation

105. In the Senate amendment, but not the House bill, the Secretary, through OERI, shall collect data on, evaluate, and report on the effectiveness of the consortia by the end of each grant contract period, including an evaluation of how well the consortia meet the needs of the schools, teachers, administrators, and students of their respective regions.

The House recedes.

Definitions

106. In the Senate amendment, but not the House bill, this subsection defines several terms including eligible entity, mathematics, science, region, regional consortium, and State agency for higher education.

The House recedes.

Authorization of Appropriations

107. The Senate amendment, but not the House bill, authorizes $23 million for FY 95 and "such sums" for the following four years for this subpart.

The House recedes.

TITLE XIV—GENERAL PROVISIONS

Title

Definitions

The Senate amendment excludes the National Teacher Training Project from the definition of "covered program."

The House recedes.

The Senate amendment excludes from the definition of "covered program" the State and Local Programs for School Technology Resources, Technical Support, and Professional Development.

The House recedes.

The House bill excludes the definition of the targeted assistance program.

The House recedes.

The Senate amendment excludes from the definition of "current expenditures" the expenditures made from funds received under Title XIII.

The Senate recedes.

The House bill defines "educational service agency" to include agencies authorized to "provide services and programs;" the Senate amendment defines "educational service agency" to include agencies authorized to "provide services or programs."

The House recedes.

The House bill defines "elementary school" to mean a "nonprofit institutional day or residential school;" the Senate amendment defines "elementary school" to mean a "day or residential school."

The Senate recedes.

The Senate amendment, but not the House bill, defines "gifted and talented."

The House recedes.

The House bill defines "institution of higher education" to have the meaning given that term in section 1201(a) of the Higher Education Act of 1965; the Senate amendment defines "institution of higher education" to have the meaning given that term in section 1201 of the Higher Education Act of 1965.

The Senate recedes.

The Senate amendment, but not the House bill, defines "interoperable and interoperability."

The Senate recedes.

12. The Senate amendment, but not the House bill, includes in its definition of "local educational agency" a BIA-funded elementary or secondary school to the extent the inclusion makes the school eligible for programs not provided in other provisions of law, except that the school shall not be subject to the jurisdiction of any State educational agency other than the BIA; see section 9104 of the House bill for a related provision.

The House recedes with an amendment to include in the definition of a local educational agency an elementary or secondary school funded by the Bureau of Indian Affairs, but only to the extent that such school is not smaller in student population than the smallest local educational agency eligible for and receiving assistance under this Act.

13. The House bill, but not the Senate amendment, defines "mentoring."

The Senate recedes.

14. The House bill includes Palau in its definition of "outlying areas" but only until the effective date of the Compact of Free Association with the Government of Palau; the Senate amendment includes Palau without the proviso and also includes the Republic of the Marshall Islands and the Federated States of Micronesia.

The House recedes.

15. The Senate amendment, but not the House bill, defines "public telecommunications entity."

The House recedes with an amendment defining the territories as the Virgin Islands Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands and for the purpose of the Competitive Grants section—under Title I of this Act and discretionary grants under this Act, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau. The conferees intend that the Republic of the Marshall Islands, the Federated States of Micronesia and the Republic of Palau are not considered territories under this Act and may only receive funds under the Competitive Grants section—under Title I of this Act and discretionary grant programs under this Act.

16. In addition to technical drafting differences between the House and Senate versions of the definition of "pupil services personnel" and "pupil services," the Senate amendment, but not the House bill, specifies "other necessary services" to include "related services as such term is defined in section 602 of the Individuals with Disabilities Education Act."

The House recedes.

17. The House bill defines "secondary school" to mean a "nonprofit institutional day or residential school;" the Senate amendment defines "secondary school" to mean a "day or residential school." Also includes technical drafting differences.

The Senate recedes.

18. The Senate amendment, but not the House bill, defines "technology."

The House recedes with an amendment adding "and fiber optic transmission, computer, video" after "copper".

Applicability of This Title

19. The House bill, but not the Senate amendment, provides that references to section 1471 of this Act prior to enactment of the bill, "shall be deemed to refer to this section."

The Senate recedes with amendment changing "section" to "part."

20. The House bill, but not the Senate amendment, provides that certain consortia of BIA-operated schools shall be given the same consideration as a local educational agency and shall apply through the BIA, which shall apply to the Department of Education on their behalf; see related provision in the Senate amendment's definition of "local educational agency."

The Senate recedes with amendment striking "Such consortia shall apply through the Bureau of Indian Affairs which shall apply to the Department of Education on their behalf.

Flexibility in the Use of Administrative and Other Funds

21. The House bill, but not the Senate amendment, provides that a State educational agency may consolidate administrative funds "if such State educational agency can demonstrate that the majority of such agency's resources come from non-Federal sources." Also includes technical drafting differences.

The Senate recedes.

22. The Senate amendment, regarding the applicability of consolidation authority, includes those programs it defines under "covered programs" that are not included in the House bill; see comments 4 through 7. Also includes technical drafting differences.

Legislative counsel.

23. The Senate amendment, but not the House bill, regarding the applicability of consolidation authority, includes the administrative funds under section 308(c) of the Goals 2000: Education America Act.

The House recedes.

24. The provision concerning the additional uses of consolidated funds includes technical drafting differences.

Legislative counsel.

25. The provision concerning unused administrative funds includes technical drafting differences.

Legislative counsel.

26. The Senate amendment, but not the House bill, provides that a State educational agency may consolidate funds available to it under title I of the ESEA and title III of Goals 2000 in order to develop State content standards, student performance standards, or assessments.

The House recedes with an amendment striking "State student performance standards" and adding "challenging" before State content standards.

27. The provision concerning single local educational agency States include technical drafting differences.

Legislative counsel.

Consolidation of Funds for Local Administration

28. The House bill provides for regulations "of the Secretary;" the Senate amendment provides for regulations "issued by the Secretary."

Legislative counsel.

29. The House bill provides for a percentage "established in each covered program;" the Senate amendment provides for a percentage "determined by its State educational agency."

The House recedes.

30. The provision concerning State procedures for fund consolidation includes technical drafting differences.

Legislative counsel.

31. The provision concerning uses of consolidated administrative funds includes technical drafting differences.

Legislative counsel.

Administrative Funds Study

32. The House bill provides that the Secretary's administrative funds study include the percentage of administrative funds "in all covered programs;" the administrative funds "in all covered programs."

The House recedes with amendment to: change section heading to "Administrative Funds Studies"; change the subsection heading to "(a) Federal Funds Study"; move the language on State submission of data on Title I administration activities from the Senate bill (section 1702(d)) to here and make it a new subsection (a)(2) and call it "Title I State Data"; and modify the language from section 1702(d) to change the reference from "this title" to "Title I" and references to "this section" to "section 1702."

33. The House bill, but not the Senate amendment, requires the Secretary to develop a definition of what types of activities constitute the administration of ESEA programs by State and local educational agencies.

The Senate recedes with amendments to merge the House bill paragraphs #2 and #3 concerning results of such study with the Senate paragraph #2 which also deals with results, and change the paragraph number to be #4; and make the language concerning reporting requirements following the words "the Secretary shall" in the House bill a new subparagraph (A).

34. The House bill authorizes the Secretary to issue regulations on the use of administrative funds; the Senate amendment requires the Secretary to promulgate final regulations on administrative funds within one year of the completion of the administrative funds study.

The House recedes with amendments to make the language following the words "the Secretary shall" in the Senate amendment concerning reporting requirement" a new subparagraph (B); change the reference in the Senate amendment from "paragraph (1)," to "paragraph (a)(1)" and insert after this reference the following: "which may included collection and analysis of the data under paragraph (2) and section 14010(b);" and modify the new subparagraph (B) to add the words "or guidelines" after the words "final regulations."

35. The House bill provides that the administrative funds regulations includes provisions on the limitation of the amount of administrative funds "where such limitation is not otherwise provided by law;" the Senate amendment does not contain this qualifying clause.

The Senate recedes.

36. The provision concerning administrative funds regulations also includes technical drafting differences.

The House recedes with amendments to move the language from subsection (b) to paragraph (a)(3) and change the heading from "Report" to "Federal Funds Report."

37. The Senate amendment, but not the House bill, requires the Secretary to complete the administrative funds study not later than one year after enactment of this bill. The reporting provision also includes technical drafting differences.

The House recedes with amendment striking all after the words "not later than" through 1994" and inserting "July 1997."

38. The House bill authorizes the Department of the Interior to use "up to" 1.5 percent of consolidated funds for administration; the Senate amendment authorizes the Department of the Interior to use "not more than" 1.5 percent of consolidated funds for administration.

Legislative Counsel.

Availability of Unneeded Program Funds

39. The provision concerning availability of unneeded program funds includes technical drafting differences.

Legislative Counsel.

Coordination of Programs; Consolidated State and Local Applications

40. The House bill, but not the Senate amendment, authorizes a local educational agency, individual school, or consortium of schools to use a total of up to 5% of ESEA funds to establish and implement a coordinated services project consistent with the requirements of title X (Coordinated Services Projects).

The Senate recedes.

Optional Consolidated State Application

41. The House bill, regarding optional consolidated State applications, refers to a "State application;" the Senate amendment refers to a "State plan or application." However, both the House and Senate versions provide that a State educational agency shall not be required to submit separate State plans or not be required to submit separate State plans or applications in any program to which consolidation applies. Also includes technical drafting differences.

The House recedes on phrase "plan or application."

42. The House bill, but not the Senate amendment, authorizes a consolidated application also for the Goals 2000: Education America Act and the School-to-Work Opportunities Act.

The Senate recedes.

43. The House bill, but not the Senate amendment, provides that the Secretary shall require such consolidated application materials as are absolutely necessary for the consideration of the State application.

The Senate recedes.

Consolidated Local Applications

44A. The House bill, regarding consolidated local applications, refers to an "application;" the Senate amendment refers to a "plan or application."

The House recedes with amendments including "Plan or" in title and throughout text.

Other General Assurances

44B. The House bill, but not the Senate amendment, provides that the Secretary shall require such consolidated application materials as are absolutely necessary for the consideration of the local application.

The Senate recedes with amendment including "plan" throughout text with "application."

Relationship of State and Local Plans to Plans Under the Goals 2000: Educate America Act

44C. The Senate amendment, but not the House bill, provides that each State or local plan submitted under certain ESEA programs shall be integrated with each other and with the State plan developed under title III of the Goals 2000: Educate America Act. If a State or local plan requirement in these programs is satisfied for that program need not separately address that requirement. State and local plans may be submitted as an amendment to the Goals 2000 plan. Each plan of operation under the Even Start program must be consistent with plans under title III of the Goals 2000: Educate America Act or, if there are no such plans, with the State and local plans under the basic program (part A of title I) of the ESEA.

The House recedes.

Waivers

45. The Senate amendment, but not the House bill, authorizes the Secretary to waive any requirement of, or regulations under, the General Education Provisions Act.

The Senate recedes. This section allows the Secretary to waive programmatic requirements on State educational agencies, local educational agencies and institutions receiving federal funds under applicable programs, in an effort to more effectively achieve the purposes of this Act. Nothing in this section allows the Secretary to waive requirements or provisions that Congress has placed on the Department of Education, including but not limited to section 432 of GEPA or sections 10602 and 10603 of this Act.

Waivers of Statutory and Regulatory Requirements

46. The House bill authorizes the Secretary to waive requirements or regulations for a "State educational agency, local educational agency, Indian tribe, or school;" the Senate amendment authorizes the Secretary to waive requirements or regulations for a "State educational agency, local educational agency, Indian tribe, or other agency, organization, or institution."

The Senate recedes with an amendment inserting "through an LEA" after "school."

NOTE: There is a probable error in the House bill. The last "or" preceding section 9401(a)(1) should probably be deleted, thus making the requirements of paragraphs (1) and (2) apply to the entities in the matter preceding paragraph (1).

Legislative Counsel.

47. The Senate amendment, but not the House bill, limits the waiver authority to funds authorized by the ESEA "from the Department."

Legislative Counsel.

48. The House bill, but not the Senate amendment, sets forth the descriptions that must be in a request for waiver.

The Senate recedes with amendment adding the word "reasonable" such that the provision reads that in the case of a waiver proposal submitted by an SEA, the SEA "(A) provides all interested local educational agencies in the State with notice and a reasonable opportunity to comment on the proposal."

49. The House bill provides that local educational agencies submit waiver requests to State educational agencies which, in turn, submit waiver requests to the Secretary; the Senate amendment provides that waiver requests submitted by a local educational agency or other agency, institution, or organization receiving ESEA funds from a State educational agency and is accompanied by any comments of the State educational agency.

The House recedes with an amendment striking "or other agency, institution, or organization" such that the provision reads "in the case of a waiver proposal submitted by a local educational agency that receives funds under this Act from a State educational agency—"

50. The House bill, but not the Senate amendment, provides that waiver requests from Indian tribes shall be submitted to the Secretary.

The Senate recedes.

51. The House bill requires a State educational agency, local educational agency, or Indian tribe requesting waivers to provide notice and information to the public. The Senate amendment, in addition to requiring notice and information to the public by a State educational agency, local educational agency or other agency, institution, or organization, requires a State educational agency to (1) provide notice to all interested local educational agencies and an opportunity for them to comment, and to (2) submit any comments to the Secretary.

The House recedes with amendments providing that the opportunity to comment be "reasonable."

52. The House bill, but not the Senate amendment, prohibits waivers relating to the allocation of funds, Federal non-supplanting requirements, elements of a charter school, and prohibitions regarding State aid (section 9502) and use of funds for religious worship (section 9507).

The Senate recedes.

53. The Senate amendment, but not the House bill, prohibits waivers relating to the distribution of funds to States or to local educational agencies or other recipients of funds under the ESEA, applicable civil rights requirements, or requirements of section 438 and 439 of the General Education Provisions Act.

The House recedes.

54. The House bill prohibits waivers regarding the equitable participation of private school students and teachers; the Senate amendment prohibits waivers regarding the equitable participation of students attending private schools.

The Senate recedes.

Waiver Period

55. The House bill provides that the wavier period not exceed 3 years; the Senate amendment provides that the waiver period not exceed 4 years.

The Senate recedes.

56. The House bill provides for extension of the waiver period if the Secretary; determines that the waiver has increased the quality of instruction or the academic performance of students; the Senate amendment provides for extension if the Secretary determines that the waiver has been effective in enabling recipients to carry out activities for which the waiver was requested, the waiver contributed to improved performance, and extension would be in the public interest.

The House recedes.

57. The House bill requires the Secretary to terminate a waiver if the Secretary determines that the waiver hasn't increased the quality of instruction, or improved students' academic performance, or is no longer needed to achieve the objectives of the recipients; the Senate amendment requires termination if the Secretary determines that a recipient's performance has been inadequate or if the waiver is no longer needed to achieve its original purposes.

The House recedes.

58. The House bill, but not the Senate amendment, sets forth reporting requirement from the local education agency to the State

educational agency, from the State educational agency or Indian tribe to the Secretary, and from the Secretary to the Congress.

The Senate recedes with amendment striking the word "annually" before "shall submit" and paragraph (A) which reads "summarizing the uses of waivers by State educational agencies, local educational agencies, Indian tribes, and schools; and" such that the relevant provision reads:

"(4) The Secretary, at the end of the second year and every year thereafter, shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate a report including whatever information the Secretary determines to be necessary."

59. The Senate amendment, but not the House bill, requires that notice of the Secretary's decision to grant a waiver be published in the Federal Register and requires the Secretary to disseminate the notice to interested parties.

The House recedes.

Prohibition Regarding State Aid

60. The House bill provides that no State "may" take ESEA funding into consideration in determining a local educational agency's eligibility to receive State aid; the Senate amendment provides that no State "shall" do so.

The House recedes.

61. The House bill, but not the Senate amendment, exempts impact aid funding from the prohibition regarding State aid.

The Senate receds.

Participation by Private School Children and Teachers

62. The House bill refers to services for the "teachers or other educational personnel" in private schools; the Senate amendment refers to services for the "teacher, administrators, and other staff" in these schools. Also includes technical drafting differences.

The Senate recedes.

63. The House bill, but not the Senate amendment includes in the provisions regarding the applicability of programs for participation by private school children and teachers the library media program.

The Senate recedes.

64. The Senate amendment, but not the House bill, includes in the provisions regarding the applicability of programs for participation by private school children and teachers the Star Schools program, the elementary mathematics and science equipment program, and the targeted assistance program.

The House recedes leaving open the question of science and math equipment program.

65. The Senate amendment, but not the House bill, requires the educational agency or consortium to conduct a timely consultation with private school officials on ESEA programs.

The House recedes.

Standards for By-Pass

66. The House bill refers to by-pass standards for "a State, local or intermediate educational agency or consortium," the Senate

amendment refers to by-pass standards for "a State, local or intermediate educational agency or consortium of such agencies."

Legislative Counsel

By-Pass Determination Process

67. The provision concerning petition for review from the by-pass determination includes technical drafting differences.

Legislative Counsel.

68. The provision concerning prior determination for by-pass. includes technical drafting difference.

The House recedes with an amendment adding that the provision shall not apply with respect to civil rights laws.

General Provisions Regarding Nonrecipient Nonpublic Schools

69. The general provision regarding nonrecipient nonpublic schools includes technical drafting differences.

Legislative Counsel

70. The House bill, but not the Senate amendment, sets forth provisions to comply with the Buy America Act.

The House recedes.

71. The House bill, but not the Senate amendment, provides that it is the sense of Congress that ESEA funding recipients should use ESEA funds for American-made products, and requires Federal agency heads to notify recipients of this "sense."

The Senate recedes.

72. The House bill, but not the Senate amendment, provides that anyone convicted of falsely affixing a Made in America label to a product shall be ineligible to receive a contract or subcontract made with ESEA funds.

The House recedes.

School Prayer

73. The House bill denies Department of Education funding to any State or local educational agency that has a policy of denying, or effectively denies, an individual's voluntary participation in constitutionally protected prayer in public schools, and bans the United States or any State or local educational agency from requiring prayer or influencing the content of constitutionally protected prayer in public schools. The Senate amendment denies Federal funding during a noncompliance period to any State or local agency judged to have willfully violated a court order to remedy a violation of students' rights with respect to prayer in public schools.

The House recedes with an amendment striking "Federal funds" and inserting "funds under this Act."

Youth Programs Limitation

74. The House bill mandates that public schools receiving ESEA funds stress abstinence and age appropriate materials in sex education courses, while providing that this section may not be construed to authorize Federal control of, or administrative action with regard to curriculum. Two Senate amendments (section 407 and 408, respectively prohibit using ESEA funds to promote sexual activity and to make condoms available in schools.

The House recedes with an amendment striking section 406 of the Senate amendment and combining the remaining provisions of the House bill and Senate amendment.

Prohibition Against Funds for Homosexual Support

75. The House bill provides that no local educational agency "shall use funds made available under this Act to implement" activities encouraging homosexuality; the agency "that receives funds under this Act shall implement" such activities.

The Senate recedes with an amendment striking section 406 of the Senate amendment and combining the remaining provisions of the House bill and Senate amendment.

76. The House bill, but not the Senate amendment, prohibits local educational agencies from using funds under the ESEA to distribute or aid in the distribution by any organization of any obscene material to minors on school grounds.

The House recedes with an amendment striking section 406 of the Senate amendment and combining the remaining provisions of the House bill and Senate amendment.

77. The House bill, but not the Senate amendment, provides that the section prohibiting funds for homosexual support may not be construed to authorize Federal control of, or administrative action with regard to curriculum.

The House recedes with an amendment striking section 406 of the Senate amendment and combining the remaining provisions of the House bill and Senate amendment.

78. The Senate amendment, but not the House bill, sets an effective date for the section prohibiting funds for homosexual support as one day after enactment.

The House recedes with an amendment striking section 406 of the Senate amendment and combining the remaining provisions of the House bill and Senate amendment.

Nonsmoking Policy

79. The House bill, but not the Senate amendment, (1) mandates that each person receiving ESEA funds and providing services to elementary and secondary school students establish and make a good-faith effort to enforce a nonsmoking policy that bans the smoking in indoor school facilities used by children, (2) establishes due process and civil penalties for noncompliance, (3) sets forth an effective date, with exceptions for collective bargaining agreements, of 180 days after enactment, and (4) prohibits preemption of State laws at least as restrictive as the Federal law.

The House recedes.

Policy Regarding Criminal Justice System Referral

80. The House bill requires each local educational agency receiving ESEA funds to have a policy addressing student possession and use of a gun on school property, and suggests possible policy content. The Senate amendment mandates that no ESEA funds shall be made available to any local educational agency unless that agency has a policy requiring referral to the criminal justice or juvenile delinquency system of any student bringing a firearm or weapon to a school served by that agency.

The House recedes.

Gun-Free Schools

81. The Senate amendment, but not the House bill, prohibits, under the "Gun-Free Schools Act of 1994," a local educational agency from receiving ESEA funds unless that agency has a policy of requiring expulsion from school for not less than 1 year for any student bringing a weapon to a school under that agency's jurisdiction. This amendment allows for placement of the student in an alternative setting, sets forth a 1-year grace period for States having less restrictive expulsion laws, defines "weapon" and requires local educational agencies to report on State educational agencies on this matter.

Also, sections 404 and 405 of the Senate amendment, mandate disciplinary action for a stúdent possessing a weapon in any school that receives Federal funds, and amend the Individuals with Disabilities Education Act to provide for an alternative setting in cases of life-threatening behavior by a child with a disability.

The House recedes with several amendments: requiring states receiving assistance under this Act to enact a law requiring the expulsion of students who bring a weapon to school for up to one year; directing the Secretary of Education to widely disseminate the current policy of the Department of Education with respect to disciplining children with disabilities; directing the Secretary of Education to collect data on the incidence of children with disabilities (as such term is defined in section 602(1) of IDEA) engaging in life-threatening behavior or bringing all types of weapons to schools and submit a report to Congress by January 31, 1995 analyzing the strengths and problems with the current approaches regarding disciplining children with disabilities. The Conferees expect that this information will assist us in our deliberations around this issue next year when the Individuals with Disabilities Education Act is reauthorized. Additionally, the House recedes with amendments to define the term "weapons" by incorporating by reference the definition used in the Gun-Free Schools Act, i.e., "a firearm as such term is defined in section 921 of title 18, United States Code."; to modify the length of time in the alternative placement is modified by inserting "45 days" in lieu of 90 days; and to clarify the construction clause by adding at the end of the following phrase: "except that this section shall be interpreted in a manner that is consistent with the U.S. Department of Education's Guidance Concerning State and Local Responsibilities Under the Gun-Free Schools Act of 1994, as printed in the Congressional Record of July 28, 1994, at S. 10017."

It is the conferees' intent that the IEP team meet to determine whether an alternative placement is appropriate as soon as possible after the incident occurs, especially when there is reason to believe that the action of bringing the gun to school is related to the child's disability.

Ethical Principles

83. The House bill, but not the Senate amendment, provides that it is the sense of the Congress that States, local educational

agencies, and schools encourage families in teaching ethical principles to their children.

The House recedes.

Custodial Services

84. The House bill, but not the Senate amendment, provides that a local educational agency containing 5 counties and with a student population exceeding 900,000 may not use ESEA funding to compensate custodial personnel.

The House recedes.

Sense of the Congress to Increase the Total Share of Federal Spending on Education

85. The House bill, but not the Senate amendment, sets forth findings and provides that it is the sense of the Congress that the total share of Federal spending on education should increase by 1% per year until the share reaches 10% of the total Federal budget.

The Senate recedes.

Other Provisions

State Recognition of Exemplary Performance

86. The Senate amendment, but not the House bill, authorizes State educational agency to implement a program of State recognition awards to ESEA recipients demonstrating outstanding performance.

The Senate recedes.

Prohibition on Federal Mandates, Direction, and Control

87. The Senate amendment, but not the House bill, provides that nothing in the ESEA shall be construed to authorize a Federal employee to control a "State, local educational agency, or school's curriculum or allocation of resources, or mandate costs not paid for under the ESEA.

The House recedes.

Report

88. The Senate amendment, but not the House bill, requires the Secretary to report to the Congress, within 180 days after enactment, regarding how the Secretary shall ensure that the Department's ESEA audits comply with changes made to the Act, particularly with regard to permitting children with similar educational needs to be observed in the same educational setting.

The House recedes.

Required Participation Prohibited

89. The Senate amendment, but not the House bill, provides that no State shall be required to participate in Goals 2000 programs or to have content or student performance standards approved under Goals 2000 in order to receive ESEA funds.

The House recedes.

Privately Managed Schools

90. The Senate amendment, but not the House bill, provides that the ESEA shall not be construed to deny States or local educational agencies the opportunity to use Federal funds to contract with private management firms.

The Senate recedes.

Evaluations

91. The Senate amendment, but not the House bill, authorizes the Secretary to reserve not more than 0.5% of ESEA appropriations to carry out evaluations of the effectiveness of ESEA and other Federal education programs. The amendment sets forth in detail the type of evaluations and studies to be undertaken, mandates the use of an independent panel to review the evaluation plan, and requires a report to the Congress by January 1, 1998. The amendment also authorizes the Secretary to provide guidance and technical assistance to ESEA recipients and provides that nothing in this provision shall be construed to establish a national data system.

The House recedes with amendments to merge the House and Senate language.

IASA TITLE II—AMENDMENTS TO THE GENERAL EDUCATION PROVISIONS ACT

Drafting Style

1. The Senate amendment uses subsection headings and U.S. Code citations throughout its GEPA provisions. The House bill does not.

The House recedes.

Title; Applicability; Definitions

2. The Senate amendment, but not the House bill, contains a parenthetical exception providing that a reference to the "Act" does not include Part G (Conforming Amendments).

The House recedes.

3. The House bill heading for section 400 reads in part "TITLE". The Senate amendment reads in part "SHORT TITLE".

Legislative Counsel.

Title; Applicability; Definitions

4. The definitions of "applicable program" in the House bill uses the term "statutes". The Senate amendment uses the term "Federal law".

Legislative Counsel.

Repeal and Redesignation

5. The House bill places all of the repeal provisions in one place (i.e., section 212(a)). The Senate amendment has them spread among five different sections.

The Senate recedes.

6. The House bill, but not the Senate amendment, redesignates the remaining sections and parts.

The Senate recedes with an amendment adding section 403 to the list of sections that repealed in section 212(a), and striking section 403 (and its redesignation as section 401) from section 212(b).

7. The House bill, but not the Senate amendment, repeals section 405 (OERI).

This section, which authorizes the Office of Educational Research and Improvement, was repealed by section 911 of P.L. 103–227, the Educational Research, Development, Dissemination, and Improvement Act of 1994. The House recedes.

8. The Senate amendment, but not the House bill, repeals sections 403, 411, and 426.

The House recedes with an amendment providing for the repeal of section 403 only.

Office of Non-Public Education

9. The House bill, but not the Senate amendment, amends section 403 (section 401 as redesignated) to change the section heading to "Office of Non-Public Education", strike subsections (a), (b), and (c), and change "(d)(1)" to "(1)".

The House recedes.

General Authority of the Secretary

10. The House bill refers to "vested". The Senate amendment refers to "vested in the Secretary".

Legislative Counsel.

Forward Funding

11. The House bill amends the current law advance funding section (411 redesignated as 420) to authorize forward funding. The Senate amendment repeals the underlying section (411).

The Senate recedes.

Availability of Appropriations

12. The House bill amends the heading of section 421 (as redesignated), using the term "expenditure". The Senate amendment amends the heading of section 412, using the term "obligation".

The House recedes.

13. The Senate amendment, but not the House bill, in paragraph (1)(A), strikes "to educational agencies or institutions".

The House recedes.

14. The Senate amendment, but not the House bill, in paragraph (1)(B), changes "expenditure" to "obligation".

The House recedes.

15. The Senate amendment, but not the House bill, in paragraph (1)(C) changes "agency or institution concerned" to "recipient".

The House recedes.

16. The Senate amendment, but not the House bill, amends section 412(b) to restrict carryover authority to "applicable State formula grant programs", to define the term, and to make conforming changes.

The Senate recedes.

17. The Senate amendment strikes subsection (c) of section 412 pertaining to obligation of funds following the institution of a judicial proceeding. The House bill retains subsection (c) and changes a Revised Statues citation to a U.S. Code citation.

The Senate recedes.

Contingent Extension of Programs

18. The House bill provides for the contingent extension of otherwise expiring programs for one additional fiscal year. The Senate amendment provides for two fiscal years.

The Senate recedes.

19. The House bill refers to the regular congressional session which "ends prior to the beginning of the terminal fiscal year". The comparable reference in the Senate amendment is "ends prior to the terminal fiscal year" (i.e., no "the beginning of the").

Legislative Counsel.

20. The Senate amendment provides that the contingent extension occurs unless the Congress "extends or has rejected legislation that would have extended" the authorization. The House bill refers to "extends or repeals".

The Senate recedes.

21. The House bill and Senate amendment provision regarding the amount of the authorization in the extension period are worded differently but have the same effect.

Legislative Counsel.

22. The House bill and the Senate amendment provisions regarding the Secretary's acts and determinations in the extension year have the same effect but are worded differently.

Legislative Counsel.

23. The House bill, but not the Senate amendment, provides that the contingent extension authority does not apply to commissions, councils, or committees.

The Senate recedes.

State Reports

24. The House bill, but not the Senate amendment, requires States biennially to furnish certain types of information to the Secretary, and requires the Secretary to annually submit a report to the House and Senate authorizing committees.

The Senate recedes.

Biennial Evaluation Report

25. The House bill and the Senate amendment require the same dates for submission of the reports to the House and Senate committees but have different wording.

Legislative Counsel.

26. The Senate amendment provides that this be a report on the effectiveness of programs in achieving their "legislated intent and purposes". The House bill refers only to "legislated purposes".

The House recedes.

27. Both the House bill and the Senate amendment require that the report include information on the achievement of program objectives. In two places in paragraph (2), the House bill refers to

"evaluation information". The Senate amendment refers only to "information".

The House recedes.

28. In paragraph (3), the House bill reads "contain selected significant program activities". The Senate amendment reads "contain selected significant program activities".

The House recedes.

29. In paragraph (5), the House bill, but not the Senate amendment, requires the report be prepared in concise summary form with necessary detailed data and appendices.

The Senate recedes.

30. At the end of paragraph (5), House bill reads "of their beneficiaries;". The Senate amendment reads "of the beneficiaries of such programs and projects; and".

Legislative Counsel.

31. The Senate amendment, but not the House bill requires, in paragraph (6), that the report include results of the Title I program evaluations under section 10107 of the Elementary and Secondary Education Act of 1965 (ESEA).

The House recedes with an amendment changing the ESEA reference to section 10701.

Technical Amendments

32. The section heading in the House bill reads "Technical Amendment". The heading in the Senate amendment reads "Technical Amendments."

Legislative Counsel.

33. The House bill and the Senate amendment provide different references to the Elementary and Secondary Education Act of 1965.

Legislative Counsel.

34. The House bill and the Senate amendment provide different references to certain provisions in the Impact Aid law relating to children with disabilities and the definition of low-rent housing. (Note: the House references are wrong; it should read "section 8004(d) or residing on property described in section 8012(4)(A)(iii)")

Legislative Counsel.

Coordination

35. The House bill, but not the Senate amendment requires that the National Assessment Governing Board, the Advisory Council on Statistics, the National Education Goals Panel, the National Education Statistics and Improvement Council and other boards relating to standards and assessments must coordinate with one another.

The Senate recedes with an amendment correcting the names of the Advisory Council on Education Statistics and the National Education Standards and Improvement Council, and making this provision a new section 428 of GEPA.

Joint Funding of Programs

36. The House bill and Senate amendment provisions, pertaining to the use of funds in joint funding arrangements, have minor wording differences. Additionally, the Senate amendment, but not

the House bill, provides that the funds must be used in accordance with appropriations Acts.

The Senate recedes.

37. In paragraph (2), the House bill refers to "by contract or grant only to recipients". The Senate amendment refers to "only to parties".

The Senate recedes.

38. In paragraph (3), the House bill refers to "an agreement". The Senate amendment refers to "a agreement".

The Senate recedes.

39. In paragraph (3), the House bill refers to "its procedures". The Senate amendment refers to "such agency's procedures".

Legislative Counsel.

40. In paragraph (3), the House bill refers to "award contracts or grants" and "such awards". The Senate amendment refers to "select recipients of funds under such project" and "the awards", respectively.

Legislative Counsel.

41. In paragraph (4), the House bill refers to "subsection (a) of this section". The Senate amendment refers to "this subsection".

Legislative Counsel.

42. In paragraph (4), the Senate amendment refers to "provides funding under the joint project". The House bill refers to "provides funding".

Legislative Counsel.

43. In paragraph (4), the House bill refers to "jointly funded projects" and to "those projects". The Senate amendment refers to "the jointly funded project" and "for such project", respectively.

Legislative Counsel.

44. In subsection (b), the House bill provides "awards are made". The Senate amendment provides "funds are awarded".

Legislative Counsel.

45. In subsection (b), the House bill refers to "must meet". The Senate amendment refers to "shall meet".

Legislative Counsel.

46. The House bill, but not the Senate amendment, provides in subsection (c) that the Secretary may not construe the provisions of this section to take precedence over a limitation on joint funding contained in an applicable statute.

The Senate recedes.

47. The House bill, but not the Senate amendment, requires in subsection (d) that the Secretary to give notice of joint funding agreements to the House and Senate committees within 60 days of making such agreements and describes the kind of information to be provided in the notices.

The Senate recedes.

Collection and Dissemination of Information

48. The House amendment and Senate amendment both amend section 422 of GEPA (redesignated section 431 by the House bill) to strike "(a)", change "Commissioner" to "Secretary", and strike paragraph (4) and subsections (b) and (c). The House bill makes the changes with cut and bite amendments. The Senate

amendment rewrites the section and, in paragraph (3), changes "their purposes." to "the intended purposes of such programs.".

The House recedes.

Review of Applications

49. The Senate amendment, in subparagraphs (C) and (D) of paragraph (1) omits the word "thereof" found in paragraph (1)(C) and (D) of the House bill.

The Senate recedes.

50. In paragraph (2), the House bill uses "it". The Senate amendment uses "such term".

Legislative Counsel.

51. The Senate amendment, but not the House bill, breaks the text of paragraph (3) into subparagraphs.

Legislative Counsel.

52. In paragraph (3), the House bill refers to "each time it appears". The Senate amendment refers to "each place such term appears".

Legislative Counsel.

53. The House bill, but not the Senate amendment, requires that, whenever feasible, statistics and other data collection and analysis be collected, cross-tabulated, analyzed and reported by sex within race or ethnicity and socioeconomic status. In the event that the Secretary determines that such statistics or data collection and analysis reveals no significant differences among such categories, the Secretary shall include in the relevant report an explanation of such determination.

The House recedes.

Technical Amendment

54. The House bill, but not the Senate amendment, in section 427 (redesignated 434), changes "he" to "Secretary". Note that the House bill puts this provision in a separate section while the Senate amendment places it in a later section containing other technical amendments.

The Senate recedes.

Use of Funds Withheld

55. The House bill, in subsection (b)(1) refers to "allotments of other local educational agencies within the State, or the allotments of all States, in accordance with the statutes governing the program". The Senate amendment reads: "allotments or reallotments of local educational agencies within the State that are not described in subsection (a), or the allotments or reallotment of all States, in accordance with the Federal law governing the program".

The House recedes.

Applications

56. The Senate amendment, but not the House bill, provides that the amendment is to subsection (a) of the applications section (although that is the intent of the House bill).

The House recedes.

Regulations

57. The House bill strikes obsolete and unnecessary provisions from the current law (i.e., in cut and bite provisions), keeping many of the current law requirements. The Senate amendment contains similar requirements but does so in a rewrite of the current law.

The House recedes.

58. In addition to technical differences, the Senate amendment provides that, in order for one of the enumerated actions to be a "regulation", it must have a "legally binding effect in connection with, or affecting, the provision of financial assistance under any applicable program." The House bill leaves similar language in the current law provision requiring citations of legal authority.

The House recedes.

59. The Senate amendment requires that regulations issued by the Secretary or the Department contain citations of legal authority. The House bill preserves the similar current law provision which differs from the Senate amendment by not having the above underlined language and by providing that the citation requirement applies to regulations "in connection with, or affecting, the administration of any applicable program".

The House recedes.

60. The uniform application provision in the Senate amendment refers to "the 50 States". The current law language preserved by the House bill refers to "the fifty States".

Legislative Counsel.

61. The House bill preserves the current law provisions requiring the publication of proposed regulations, a 30-day comment period, publication of final regulations, transmission of such final regulations to the Congress and a 45-day delay in their effectiveness. The Senate amendment provides (i) for promulgation of regulations in accordance with section 553 of the Administrative Procedure Act (with no 45-day delay), and (ii) that the APA grant exemption shall apply only to regulations (i) that govern a grant competition for the first year of a new program, or (ii) where the Secretary determines that the requirements of this subsection will cause extreme hardship to intended program beneficiaries (similar to current law).

The House recedes with an amendment clarifying the language describing the regulations to which the APA grant exemption applies.

62. The regulations schedule provision in the Senate amendment is similar to the current law provisions preserved by the House bill, the major difference being that, under the provisions of the Senate amendment, the schedule does not have to be submitted to Congress within 60 days and regulations do not have to be promulgated within 180 days following the submission of the schedule. Instead, the Senate amendment requires that the schedule and promulgation of regulations be completed within 480 days.

The House recedes with an amendment providing that the regulations schedule must be submitted to the Congress within 60 days of the date of enactment of any Act, and providing that the regulations must be promulgated within 360 days of the date of enactment of any Act.

63. The Senate amendment, but not the House bill (or current law), provides that, if the Secretary determines, in an exceptional

case and for good cause, that a final regulation cannot be promulgated within the 480-day period, the Secretary shall include in the schedule the reasons for the determination and the date when the regulation will be promulgated. The Senate amendment also provides that regulations will be promulgated in accordance with the schedule and if, for good cause, the Secretary later determines that the Department cannot comply with the schedule, the Secretary shall notify the Congress with reasons why and submit a new schedule.

The Senate recedes.

Records Reduction in Retention Requirements

64. In paragraph (1)(A), the House bill refers to "striking out". The Senate amendment refers to "striking".

Legislative Counsel.

65. In paragraph (1)(A), the House bill refers to "inserting in lieu thereof". The Senate amendment refers to "inserting".

Legislative Counsel.

66. In paragraph (1)(C), the House bill changes current law to reduce from 5 to 3 years the amount of time following a grant that a recipient must retain records. The Senate amendment eliminates the time period requirement altogether.

The Senate recedes.

67. In paragraph (2), the House refers to "striking out". The Senate amendment refers to "striking".

Legislative Counsel.

68. In paragraph (2), the House bill refers to "inserting the lieu thereof". The Senate amendment refers to "inserting".

Legislative Counsel.

69. In paragraph (2), the House bill refers to "currently maintained". The Senate amendment refers to "maintained".

Legislative Counsel.

Privacy Rights

70. The Senate amendment, but not the House bill, includes provisions on privacy rights which amend various portions of FERPA (section 438 or 444 as redesignated by the House bill). In particular, the Senate amendment (would deny funding under any applicable program to any SEA which has a policy of denying (or which effectively prevents) the parents of students the right to inspect their children's education records maintained by the SEA, (ii) provides that the educational interests of other school officials, to whom students' educational records may be released without parental consent, include "the educational interests of the child for whom consent would otherwise be required," (iii) adds the entity or persons designated in a Federal grand jury or other subpoena to those individuals and organizations to whom students' educational records may be released without parental consent, (iv) provides that an educational agency or institution may be prohibited for a period of 5 years from providing information from educational records to a third party which illegally has permitted access to students' educational records or failed to properly destroy information, (v) places a time constraint of 240 days following enactment of the reauthorization bill on the requirement for the Secretary to adopt

or identify appropriate regulations regarding student and family privacy rights, and (vi) adds a proviso that nothing in FERPA is designed to prohibit an educational agency from including appropriate information in the records of a student who poses a significant safety risk to other students and from disclosing such information to teachers and other school officials who have legitimate educational interests in the behavior of the student.

The House recedes with an amendment adding "or procedures" to the "appropriate regulations" language, clarifying that "appropriate information" is that concerning disciplinary actions taken against such student for conduct that poses a significant safety risk for others, and making technical corrections.

Release of Records

71. The House bill, but not the Senate amendment, amends FERPA to permit in limited circumstances the release of records concerning the ability of the juvenile justice system to more effectively serve students and describes the specific requirements for such release.

Senate recedes with an amendment clarifying that the disclosed information concerns the juvenile justice system and its ability to effectively serve the student whose records are released prior to adjudication.

Protection of Pupil Rights

72. The House bill, but not the Senate amendment, adds new provisions to section 439 (445 as redesignated by the House bill) requiring instructional materials be available for parental inspection, ensuring that students may not be required to reveal certain types of information through surveys, analyses or evaluations without prior consent, requiring that parents be advised of their rights under this section, requiring the Secretary to take appropriate action to enforce this section, and requiring the Secretary to designate an office and review board within the Department to investigate, process, review, and adjudicate violations of the rights established under this section.

An identical amendment was enacted as part of Goals 2000: Educate America Act, section 1017, P.L. 103–227. The House recedes.

Enforcement

73. The House bill, but not the Senate amendment, amends the GEPA audit and enforcement provisions to: clarify the congressional intent regarding the establishment of a prima facie case for the recovery of grant funds; extend from 30 to 60 days the time for filing for a review of a preliminary departmental decision; prohibit ex parte contact which otherwise could prejudice the review; confines the decision on the making of grantbacks to whether the recipient corrected the violations of law; and ensure that recovered funds remain available for a reasonable period of time if a recipient files for judicial review.

The Senate recedes with an amendment preserving the current law grantback language which requires that a recipient, in all other respects, be in compliance with the requirements of that program but provides that the recipient must have been notified of its noncompliance with such requirements within 100 days of receiving a preliminary departmental decision under section 452(a)(1).

Technical Amendments

74. Subsection (b) of the House bill contains "thereof". Subsection (b)(2) of the Senate amendment contains "of the matter preceding paragraph (1)".

Legislative Counsel.

75. Subsection (c) of the House bill uses "it". Subsection (c) of the Senate amendment uses "such term".

Legislative Counsel.

76. The Senate amendment, but not the House bill, replaces an exception related to an Impact Aid section with "All laborers".

The House recedes.

77. Subsection (d)(1) of the House bill reads "heading of". Subsection (e)(1) of the Senate amendment reads "heading for".

Legislative Counsel.

78. Subsection (2)(A) uses "it". The Senate amendment uses "such term".

Legislative Counsel.

79. Subsection (e)(1) of the House bill uses "it". The Senate amendment in subsection (f)(1) uses "such term".

Legislative Counsel.

80. Subsection (e)(2)(B) of the House amendment strikes an entire parenthetical phrase. Subsection (f)(2) of the Senate amendment amends the language to read "in the case of programs under chapter 1 and chapter 2 of title I of the Elementary and Secondary Education Act of 1965.

Legislative Counsel.

81. The Senate amendment, but not the House bill, strikes "title V of such Act" and inserts "part A of title V of the Elementary and Secondary Education Act of 1965".

Legislative Counsel.

82. Paragraph (2)(B) of the House bill uses "it". The Senate amendment in subsection (2)(B) uses "such term".

Legislative Counsel.

83. In paragraph (2)(C), the House bill refers to "(7)". The Senate amendment refers to "(7)(B)".

Legislative Counsel.

84. Subsection (g) (1) of the House bill contains the phrase "at the end thereof". Subsection (h)(1) of the Senate amendment does not.

Legislative Counsel.

85. Paragraph (4)(A) of the House bill and the Senate amendment use different drafting styles to strike ", or an administrative head of an education agency,".

Legislative Counsel.

86. Paragraph (4)(B) of the House bill and the Senate amendment use different drafting styles to strike "provisions of".

Legislative Counsel.

87. Paragraph (4)(D) of the House bill and the Senate amendment use different drafting styles to strike "provisions of".

Legislative Counsel.

88. Paragraph (5)(A) of the House bill amends "the Department of Health, Education, and Welfare" in section 438(g) (redesignated section 444) to read "the Department of Education". The paragraph (5)(A) of the Senate amendment amends such language to read "The Department".

Legislative Counsel.

Equity for Students, Teachers, and Other Program Beneficiaries

89. The House bill inserts this new section as section 427. The Senate amendment inserts it in section 426.

Legislative Counsel.

90. The House bill, near the end of subsection (a), reads "their ability". The Senate amendment reads "the ability of such students, teachers, and beneficiaries".

Legislative Counsel.

91. The House bill, in subsection (b), reads "its application the steps it proposes to take". The Senate amendment reads "such applicant's application the steps such applicant proposes to take".

Legislative Counsel.

92. The House bill, in subsection (d), refers to "is intended". The Senate amendment refers to "shall be construed".

Legislative Counsel.

Disclosure Requirements

93. The House bill is organized in a section of GEPA; the Senate amendment is organized in Title XII Disclosure Requirements.

The Senate recedes with an amendment providing that this is a new section 429 of GEPA.

94. The Senate bill, but not the House amendment refers to each educational agency "prior to enrolling a minor", and in subparagraph (B) any recruitment through "a local school official".

The House recedes.

95. The House bill says "any enticements offered to such teacher or personnel"; the Senate amendment says "any compensation or other benefit offered to such official, teacher, or personnel".

The House recedes.

96. The House bill refers to a verifiable statement "on" all enrollment; the Senate amendment refers to a verifiable statement "in" all enrollment.

The House recedes.

97. The House bill has a entitles the paragraph "Enforcement" and has a subparagraph heading "In General"; the Senate amendment has entitles the section "Enforcement".

The House recedes.

98. The House bill says the Secretary of Education shall monitor compliance with the provisions of this section; the Senate amendment says the Secretary shall widely disseminate information about the requirements of this section, and require educational organizations to submit appropriate information regarding compliance with this title.

The House recedes.

99. The House bill says if an educational organization knowingly violates any provision of this Act, the Secretary of Education,

after notice and opportunity for hearing, may impose a civil fine of not more than $1000 for each such violation; the Senate amendment says the Secretary shall take whatever steps the Secretary determines are appropriate to enforce this title, including imposing civil fines (not to exceed $1,000 per violation) on educational organizations that knowingly violate this title.

The House recedes.

100. The Senate bill, but not the House amendment has a section heading and defines the term disability.

The House recedes.

101. The House bill says that educational organizations, as defined by this section, means an organization or groups which provides special honors programs, seminars or other educational experiences or honors generally directed toward minors or high school students and charges a tuition or enrollment fee; the Senate has a paragraph heading and says except as provided in subparagraphs (B) and (C), the term educational organization means any organization or entity that provides an education program for a fee.

The House recedes.

102. The House bill, but not the Senate amendment, defines further defines educational organization as an organization or group which offers its program away from a students regular place of school attendance, includes not less than 1 supervised night away from home, and is intended to enhance a student's regular course of study.

The House recedes.

103. The House bill says advertises and recruits students through commercial media, direct mailings, school recruitment programs, or school administrators or teachers; the Senate amendment says recruits student through means such as commercial media, direct mailings, school recruitment programs, school administrators, teachers, or staff, or current or former participants in an education program offered by such organization or entity.

The House recedes.

104. The House bill says the definition in subparagraph (A) shall not include a local educational agency, State education agency, a State department of education, or an elementary or secondary school as defined by this Act; the Senate amendment says such term shall not include a local educational agency, a State educational agency, a State department of education, or an elementary or secondary school.

The Senate recedes with an amendment changing the reference to "this Act" to "the Elementary and Secondary Education Act of 1965".

105. The House amendment, but not the Senate bill says "as defined by the Higher Education Act of 1965.

The Senate recedes with an amendment adding a section reference to the Higher Education Act of 1965 reference.

106. The House bill says a recreational or entertainment organization; the Senate amendment says a recreational organization, an entertainment organization.

The House recedes.

107. The Senate amendment, but not the House bill, exempts certain organizations or entities from the definition.

The House recedes with an amendment simplifying the wording of subparagraph (C).

108. The Senate amendment, but not the House bill, defines the term "educational program".

The House recedes.

109. The Senate amendment, but not the House bill, defines the term "local school official".

The House recedes.

110. The Senate amendment, but not the House bill, defines the term "minor".

The House recedes.

111. The Senate amendment, but not the House bill, defines the term "membership organization".

The House recedes.

112. The Senate amendment, but not the House bill, defines the term "recreational organization".

The House recedes.

113. The Senate amendment, but not the House bill defines the term "recreational program".

The House recedes.

Department of Education Organization Act

114. The Senate amendment, but not the House bill, amends DEOA to establish an Office of Private Education.

The House recedes with an amendment changing the section heading to "Office of Nonpublic Education" and the text to an updated version of the language in section 203(a) of current law.

115. The House bill amends the DEOA to repeal section 414 (Rules) in its entirety. The Senate amendment strikes subsection (b) leaving a general statement of the Secretary's authority to issue rules.

The House recedes.

116. The House bill, but not the Senate amendment, redesignates the remaining sections of the DEOA.

The Senate recedes with an amendment striking the redesignation of sections 415 through 426.

117. The Senate amendment, but not the House bill, amends the gifts and bequests section to add "and to accept donations of services".

The House recedes.

118. The House bill, but not the Senate amendment, amends the DEOA table of contents.

The Senate recedes with an amendment adding "Sec. 214. Office of Non-Public Education", adding "Sec. 414. Rules", and redesignating the succeeding sections accordingly.

119. The House bill, but not the Senate amendment, establishes a Special Assistant for Gender Equity within the Department appointed by the Secretary.

The Senate recedes.

The Rehabilitation Act of 1973

120. The Senate amendment, but not the House bill, repeals sections 9 and 100 of the Rehabilitation Act of 1973.

The House recedes with an amendment repealing section 9 only.

LASA TITLE III—AMENDMENTS TO OTHER ACTS

Amendments to the Individuals with Disabilities Education Act

Grant Amounts

1. The House bill refers to Grant Amounts. Senate Amendment refers to Maximum Amount. House bill uses the phrase "referred to in this title as the 'IDEA'" in parentheses. Senate amendment uses the phrase "hereinafter in this part referred to as the 'Act'," and cites 20 U.S.C. 1141(a).

The House recedes.

Grant Amounts

2. The House bill refers to "the grant for which a State is eligible under this section." Senate amendment refers to "grant for which a State is entitled under this section."

The House recedes.

3. The House bill and the Senate provisions have the same provision, but structure the sentence differently.

The House recedes.

4. The House bill and the Senate amendment have similar provisions, with technical differences throughout section 3(A)(i) and (ii). House bill refers to 199–; Senate amendment refers to 1994. House bill refers to "as in effect the day before the date of the enactment of the Improving America's School Act of 1994; the Senate amendment refers to "as such subpart was in existence on the day preceding the date of enactment of the Improving America's School Act of 1994.

The House recedes.

5. The House bill refers to "as in effect the day before the date of the enactment of the Improving America's Schools Act of 1994," and the Senate amendment refers to "(as such subpart was in existence on the day preceding the date of enactment of the Improving America's Schools Act of 1994)".

The House recedes.

6. The House bill inserts "and" at the end thereof. Senate bill does not.

The Senate recedes.

7. House bill and Senate amendment have technical differences throughout (i) and (ii).

The House recedes.

8. The House bill refers to "as in effect the day before the date of the enactment of the Improving America's Schools Act of 1994, the amount determined . . ." while the Senate amendment refers to "(as such subpart was in existence on the day preceding the date of enactment of the Improving America's School's Act of 1994)".

The House recedes.

9. The House bill uses the word "semicolon" and the phrase "at the end thereof" while the Senate amendment simply uses the symbol for semicolon and does not use the phrase "at the end thereof."

The House recedes.

10. The House bill entitles (b) "Amount Received." The Senate amendment titles it "State Uses." Technical differences in the description 611(b) of IDEA.

The House recedes.

11. The House bill adds the phrase "of this section" and refers to less than the combined amount it received for fiscal year 1994" while the Senate amendment refers to "less than the sum of the amount such State received for fiscal year 1994."

The House recedes.

12. The House bill refers to "as in effect the day before the date of the enactment of the Improving America's Schools Act of 1994" while the Senate amendment refers to "(as such subpart was in existence on the day preceding the date of enactment of the Improving America's Schools Act of 1994)."

The House recedes.

13. The House bill refers to "such State's fiscal year 1994 grants" and the Senate amendment refers to "that State's fiscal year 1994 grants." The House bill refers to "as in effect the day before the date of the enactment of the Improving America's Schools Act of 1994" while the Senate amendment refers to "(as such subpart was in existence on the day preceding the date of enactment of the Improving America's Schools Act of 1994) then."

The House recedes.

14. The House bill provides that in any fiscal year in which the amount appropriated for grants under this section is less, in real dollar terms, than the amount appropriated in the immediate preceding fiscal year, the amount for each State under this subsection will be reduced proportionately. The Senate amendment provides in (3)(A) that if the sums made available under this part for any fiscal year are insufficient to pay the full amounts that all States are eligible to receive under paragraphs (1) and (2) for such year, the Secretary shall ratably reduce the allocations to such States for such year.

The House recedes.

15. The Senate amendment further provides that if additional funds become available for making payments under paragraphs (1) and (2) for such fiscal year, allocations that were reduced under subparagraph (A) shall be increased on the same basis as such allocations were reduced.

The House recedes.

16. House bill entitles this section "Uses of Funds." Senate amendment entitles it "Distribution."

The House recedes.

17. House bill refers to "up to 25 percent." Senate amendment refers to "not more than 25 percent."

The House recedes.

18. The House bill refers to "75 percent to local educational agencies . . ." while the Senate amendment refers to 75 percent of such funds to local educational agencies . . ." and includes the word "and" at the end of the provision.

The House recedes.

19. The House bill entitles the section "State Funds;" the Senate amendment entitles it "Formula."

The House recedes.

20. The House bill refers to "receives, from the combination of such funds" while the Senate amendment includes "(as such subpart was in existence on the day preceding the date of enactment of the Improving America's Schools Act of 1994) receives, from the sum of such funds. . . ."

The House recedes.

21. The House bill states that the State "may use such funds to ensure that each local educational agency that received fiscal year 1994 funds . . ." The Senate amendment states that the State "shall use such funds, for fiscal years 1995 and 1996, and may use such funds, for fiscal years 1997, 1998 and 1999, to ensure that each local educational agency that received funds for fiscal year 1994 under such subpart . . ."

The Senate recedes.

22. The House bill provides that in any fiscal year in which the amount appropriated for grants under this section is less, in real dollar terms, than the amount appropriated in the preceding fiscal year, the amount for each State under this subsection will be reduced proportionately.

The House recedes.

23. The House bill entitles this section "Jurisdiction" while the Senate entitles it "Jurisdiction." Technical differences in describing Section 611(e)(1) of IDEA.

Legislative Counsel.

24. Both the House bill and the Senate amendment list the jurisdictions to which the subsection applies, but the House bill adds the phrase "(until the effective date of the Compact of Free Association with the Government of Palau)."

The Senate recedes.

25. The House bill entitles this section "Possible Ratable Reduction." The Senate amendment entities it "Insufficient Appropriations" Technical differences in the wording of the section.

The House recedes.

26. Identical provisions except that in (B), the House refers to "the same basis as they were reduced" while the Senate amendment refers to "the same basis as such payments were reduced." In (C), the House bill uses the phrase "shall distribute them in accordance with this section" while the Senate amendment uses the phrase "shall distribute such funds in accordance with this section."

The House recedes.

27. The House bill refers to "such funds as it so used" and the Senate amendment refers to "such funds as the State so used."

The House recedes.

28. The House bill uses the phrase "the amount of funds available to it under this section that it estimates it will expend." The Senate amendment uses the phrase "the amount of funds available to such agency under this section that such agency estimates such agency will expend."

The House recedes.

29. The House bill, when referring to the state, uses the word "it." The Senate amendment uses the term "the State." See similar technical differences throughout section (B).

The House recedes.

30. The House bill refers to "IDEA" while the Senate amendment refers to "the Act (U.S.C. 1141 et seq.)."

The House recedes.

31. The Senate amendment adds the parenthetical: "(as such subpart was in existence on the day preceding the day of enactment of the Improving America's Schools Act of 1994)".

The House recedes.

32. Both the House bill states that the SEA shall ensure that each State agency that owns or operates or supports a program or school for children with disabilities with funds under this part provides each child with a disability in a school or program a free appropriate public education in accordance with this part, and submit an application to the SEA that meets the requirements of Section 614 that the Secretary finds appropriate. The Senate amendment requires the same, but requires the agency to provide an application to the SEA containing assurances that such measures will be taken. Technical differences in the structure of the provisions.

The House recedes.

33. The House bill entitles section (a) "Allotments." Senate amendment entitles it "Amendment." Technical differences in sentence formation. House bill amends paragraph (1) of subsection (c) in the act by exempting paragraphs (3) and (4). Senate amendment exempts paragraphs (3), (4), and (5) in its amendment.

The House recedes.

34. Technical difference in provision structure. Senate amendment includes "(3) by inserting after paragraph (1) the following new paragraphs:"

The House recedes.

35. The House bill refers to "the relative numbers of infants and toddlers" and the Senate amendment refers to "the relative number of infants and toddlers with disabilities."

The House recedes.

36. The House bill refers to "as in effect before the enactment of the Improving America's Schools Act of 1994" while the Senate refers to "(as such section was in effect on the day preceding the date of enactment of the Improving America's Schools Act of 1994)."

The House recedes.

37. The Senate amendment includes "Except as provided in paragraph (5)," before the provision of (4)(A).

The House recedes.

38. The Senate amendment includes (5)(A), which is a ratable reduction provision.

The House recedes.

39. The Senate amendment includes (5)(B) which provides that if additional funds become available for making payments under this subsection for such fiscal year, allocations that were reduced under subparagraph (A) shall be increased on the same basis as such allocations were reduced.

The House recedes.

Family Support for Families of Children with Disabilities

40. The Senate amendment includes the Support for Families of Children with Disabilities Act of 1994, and amends the Individuals with Disabilities Education Act by adding a new part, entitled Family Support.

The House recedes with amendments, the first amendment adding a 75/25 matching requirement; the second amendment clarifying the obligation of States to conduct outreach to underrepresented populations such as minorities, the poor, and persons with limited-English proficiency. The third amendment clarifies that a state desiring to receive assistance must designate an existing council or establish a new council to be considered as a State Policy Council for Families of Children with Disabilities. The conferees intend that States should use existing councils, to the maximum extent appropriate.

41. The Senate amendment provides that a State desiring to receive financial assistance under this part shall establish a State Policy Council for Families of Children with Disabilities.

The House recedes with amendments, the first amendment adding a 75/25 matching requirement; the second amendment clarifying the obligation of States to conduct outreach to underrepresented populations such as minorities, the poor, and persons with limited-English proficiency. The third amendment clarifies that a state desiring to receive assistance must designate an existing council or establish a new council to be considered as a State Policy Council for Families of Children with Disabilities. The conferees intend that States should use existing councils, to the maximum extent appropriate.

Stewart B. McKinney Homeless Assistance Act

42. In General: The House bill, but not the Senate amendment, amends the table of contents of Part B.

The Senate recedes.

Adult Education for the Homeless

43. In General: Both the House bill and the Senate amendment make amendments to the section in the McKinney Act regarding education programs for homeless adults. Both the House bill and the Senate amendment refer to the section as "state literacy initiatives" but there are technical differences in the structure of the section's title. Section 321 of the House bill is entitled "Statement of Policy." Section 321 of the Senate amendment is entitled "State Literacy Initiatives."

Legislative Counsel.

44. The House bill includes a "Subtitle A—Adult Education for the Homeless" and follows with a section 701 entitled "State Literacy Initiatives". The Senate amendment amends this provision at Section 702.

Legislative Counsel.

45. The House bill refers to "funding recipients" while the Senate amendment refers to "recipients of funds;" the Senate amendment refers to part H of title IV of the Job Training Partnership Act, while the House bill does not refer to part H; the Senate amendment refers to part A of title I of the Domestic Volunteer

Service Act of 1973, while the House bill makes no such reference; the Senate amendment refers to part F of title IV of the Social Security Act, while the House bill contains no such reference.

Legislative Counsel.

46. The Senate amendment includes the title "Estimates and Amount." Technical differences with respect to placement of the word "shall;" the House bill refers to "he or she" while the Senate amendment refers to "such Secretary."

Legislative Counsel.

Education for Homeless Children and Youth

47. Technical differences in the structure of the title.

Legislative Counsel.

48. The House bill refers to "its" while the Senate amendment refers to "the State's."

Legislative Counsel.

49. The House bill refers to "they" while the Senate amendment refers to "such children and youth."

Legislative Counsel.

50. Technical difference in the position of the section headings and in the structure of provision on general authority.

Legislative Counsel.

51. The House bill refers to "and use these funds under terms that the Secretary determines best meet the purposes of the covered programs." The Senate amendment refers to "and use of the funds described in clause (i) under terms that the Secretary determines best meet the the purposes of the programs described in such clause."

Legislative Counsel.

52. Activities: The House bill entitles this section "Activities" while the Senate amendment entitles it "Mandated Activities." Both the House bill and the Senate amendment make the activities mandatory, by use of the word "shall."

The Senate recedes.

53. Grants: The House bill refers to "shall provide grants to local educational agencies for purposes of section 723.." The Senate amendment refers to "shall use funds as exceed the amount such agency received for fiscal year 1990 under this subtitle to provide grants to local educational agencies in accordance with section 723."

The Senate recedes.

54. The House bill refers to "at its discretion, may provide such grants;" the Senate amendment refers to "at such agency's discretion, may provide grants."

Legislative Counsel.

Functions of the Office of Coordinator

55. The House bill refers to "homeless children and youth and their families, including children who are preschool age;" the Senate amendment refers to "homeless children and youth, including children and youth who are preschool age, and families of such children and youth."

Legislative Counsel.

State Plan

56. The House bill refers to "equal access to the same public preschool programs, administered by the State agency, as provided to other children" while the Senate amendment refers to "equal access to preschool programs provided to other children."

The Senate recedes.

57. The House bill refers to "that serves each homeless child and youth;" the Senate amendment refers to "of each homeless child and youth."

Legislative Counsel.

58. The House bill refers to "any public school;" the Senate amendment refers to "any school."

The Senate recedes.

59. In General: The House bill provides that in determining the best interests of the child or youth under subparagraph (A), the local educational agency shall comply with the request made by a parent or guardian regarding school selection unless there is a compelling reason for not complying with this request. The Senate amendment provides for the same compliance requirement, but states that the local educational agency shall comply with the request "to the extent feasible."

The House recedes with an amendment deleting provision requiring that a compelling reason be shown for noncompliance.

Provision and Coordination of Services

60. In General: Transportation: The House bill requires that each homeless child or youth shall be provided services comparable to services offered to other students in the school selected according to the provisions of paragraph (3), including transportation services. The Senate amendment includes the same provision, but states that transportation services shall be one of the comparable services provided to homeless children and youth," except as required by paragraph (9)," which requires that the state plan demonstrate that transportation will be provided at no cost to homeless children and youth attending the school in which such children are enrolled.

The Senate recedes.

61. In General. The House bill provides that each local educational agency serving homeless children and youth that receives assistance under this subtitle shall coordinate with local social service agencies and other agencies or programs providing services to such children or youth or their families including services and amendment has the identical provision, but does not require coordination with services or programs funded under the Runaway and Homeless Youth Act.

The Senate recedes.

62. The House bill refers to each local educational agency "in a state" and "receives a grant under this subtitle;" the Senate amendment refers to "receives assistance under this subtitle."

Legislative Counsel.

63. In General: Homelessness Liaison: The House bill provides that each local educational agency receiving assistance under this subtitle appoint a homelessness liaison to ensure that "homeless families, children and youth receive educational services for which

they are eligible, including preschool programs administered by the local educational agency"; the Senate amendment refers only to "preschool programs."

The Senate recedes with an amendment to include Head Start so that the provision would read "including Head Start programs and preschool programs administered by the local education agency. . .".

64. LEA Plan: The Senate amendment provides that each plan adopted shall demonstrate that transportation will be provided and will contain procedures for resolving disputes between LEAs or within an LEA concerning transportation costs for homeless children and youth.

The Senate recedes.

65. In General: Coordination of Services: The House bill refers to "A State and local educational agency shall coordinate" and "Consideration shall be given to State and local housing and shelter policies described in the Comprehensive Housing Affordability Strategy;" the Senate amendment provides that "Where applicable, each State and local educational agency shall coordinate" and includes after strategy "described in section 105 of the Cranston-Gonzalez National Affordable Housing Act.

The House recedes.

Local Education Agency Grants For the Education of Homeless Children and Youth

66. Technical differences in structure of the heading.

Legislative Counsel.

67. The House bill refers to "and with amounts made available;" the Senate amendment refers to "and from amounts made available."

Legislative Counsel.

68. LEA Grants: General Authority: The House bill provides that where services are provided through programs to homeless students to homeless students on school grounds, schools may provide services to other children and youth who are determined by the local educational agency to be at risk of failing in, or dropping out of, schools, on an incidental basis. The Senate amendment does not include the provision "on an incidental basis." Instead, it includes the identical provision stated above, and adds "except that priority for such services shall be given to homeless children and youth."

The Senate recedes.

69. The House bill provides that "Services provided under this section are not intended to replace the regular academic program and shall be designed to expand upon or improve services provided as part of the school's regular academic program." The Senate amendment states that Services shall be designed to expand upon or improve services provided as part of the schools' regular academic program, but does not include that services are not intended to replace the regular academic program.

The Senate recedes.

Authorized Activities

70. The House bill refers to "and with amounts made available;" the Senate amendment refers to "and from amounts made available."

Legislative Counsel.

71. Authorized Activities: The House bill and the Senate amendment both provide that authorized activities include the provision of before- and after-school and summer enrichment programs in which a teacher or other qualified individual provides tutoring, homework assistance, and supervision of educational activities. The House bill, however, includes mentoring programs in this list while the Senate amendment does not.

The Senate recedes.

72. Authorized Activities: The House bill includes "including programs funded under the Runaway Homeless Youth Act."

The Senate recedes.

73. Authorized Activities: The House bill refers to the provision of counseling as an authorized activity; the Senate amendment refers to the provision of pupil services.

The Senate recedes.

73A. (page 137 of the side-by-side) Add "1989" after "1988."

74. Authorized Activities: The House bill includes the provision of school supplies; the Senate amendment does the same, but expands the provision to school supplies to be distributed at shelters or temporary housing facilities, or other appropriate locations."

The House recedes with an amendment such that the provision would read: "the provision of school supplies, including those to be distributed at shelters or temporary housing facilities, or other appropriate locations;".

Secretarial Responsibilities

75. Technical differences in heading.

Legislative Counsel.

76. Submission and Distribution: The House bill, but not the Senate amendment, provides that the Secretary shall require applications for grants to be submitted to the Secretary not later than the expiration of the 60-day period beginning on the date that funds are available, and shall make such grants not later then 120 days later than that date.

The Senate recedes.

77. Secretarial Responsibilities: The House bill, but not the Senate amendment, provides that the Secretary shall determine the extent to which State educational agencies are ensuring that each homeless child and youth have access to a free appropriate public education.

The Senate recedes.

78. Reporting Requirements: The House bill provides that the Secretary shall prepare and submit a report to "the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate on the programs and activities authorized by this subtitle by December 31, 1997, and every third year thereafter. The Senate amendment has a similar provision, except it states that the Secretary shall prepare and submit a report "to Congress."

The Senate recedes.

Other Acts

Goals 2000: Educate America Acts

79. The Senate amendment repeals various sections of Goals 2000: Educate America Act, and amends other sections.

The House recedes.

80. The Senate amendment amends Section 204 of the Goals 2000: Educate America Act by providing that the National Education Goals Panel and the National Education Standards and Improvement Council may accept, administer, and utilize gifts or donations of services, money, or property, whether real or personal, tangible or intangible.

The House recedes.

81. The Senate amendment amends paragraph (4) of section 309(a) of the Goals 2000: Educate America Act by inserting the words "made by the local educational agency" after the words "modifications."

The House recedes.

82. The Senate amendment amends paragraph (2) of section 702(b) of the Safe Schools Act of 1994 (20 U.S.C. 5962(b)(2) by striking "10 percent" and inserting "5 percent."

The Senate recedes.

83. The Senate amendment provides that from the amount appropriated pursuant to the authority of subsection (f) for fiscal year 1994, the Secretary shall reserve a total of 1 percent to provide assistance under this section to the outlying areas.

The House recedes with amendment reserving 1 percent to outlying areas and BIA.

84. The Senate amendment repeals Title II of the Education Council Act of 1991.

The House recedes.

85. The Senate amendment repeals Title IV of the Hawkins-Stafford Elementary and Secondary School Improvement Amendments of 1988.

The House recedes.

86. The Senate amendment repeals the Star Schools Program Assistance Act.

The House recedes.

87. The Senate amendment repeals the Fund for the Improvement and Reform of Schools and Teaching Act.

The House recedes.

88. The Senate amendment makes amendments to Title II of the Technology-Related Assistance for Individuals with Disabilities Act of 1988.

The House recedes.

89. The Senate amendment amends Title II of the Dept. of Ed Organization Act by adding provisions for an Office of Indian Education.

The Senate recedes.

90. The Senate amendment repeals the Indian Education Act of 1988.

The House recedes.

91. The Senate amendment amends Title XI of the Higher Education Act of 1965 by including provisions regarding rural community service.

The Senate recedes.

92. The Senate amendment amends the Carl D. Perkins Vocational and Applied Technology Education Act.

The House recedes.

93. The Senate amendment makes technical amendments to section 101A, striking "and Palau" and all that follows through the end of the subsection, and inserting "the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau." This provision states that the set-aside for the outlying areas shall include these regions listed here.

The House recedes.

94. The Senate amendment amends the Second Morrill Act.

The House recedes.

95. The Senate amendment amends section 312 of the Higher Ed Act of 1965.

The House recedes with an amendment:

The House recedes with an amendment to strike the special definition of a "state" contained in the Senate amendment and add to section 312(b)(1)(C) of the Higher Education Act the names of the three institutions in the Freely Associated States (College of the Marshall Islands, College of Micronesia/Federate States of Micronesia, and Palau Community College.

96. The Senate amendment further amends the McKinney Homeless Assistance Act regarding the Family Support Center Program.

The House recedes.

97. The Senate amendment amends the National Foundation on the Arts and the Humanities Act of 1965, increasing the authorization level to $100,000.

The House recedes.

98. The Senate amendment amends the Library Services and Construction Act. The House recedes. The Senate amendment effectively extends the Library Services and Construction Act for an additional fiscal year.

The House recedes.

99. The Senate amendment amends Section 315 of Goals 2000: Educate America Act with respect to the Bureau of Indian Affairs.

The House recedes.

100. The Senate amendment includes a part G covering cross references and conforming amendments.

Legislative Counsel.

"Community School Partnership Act"

1. The Senate amendment, but not the House bill, authorizes the "Community School Partnership Act". This amendment provides a 1-year, $10 million authorization of appropriations to enable the Secretary of Education to make an endowment grant to a national nonprofit organization to promote higher education goals for students from low income families through the development of local affiliated chapters in high-poverty areas.

The House recedes with an amendment to strike "the presence of any mental, sensory, or physical" in Section 8943(2)(E) of the Senate amendment and, in Section 8947 of the Senate amendment, to strike "1995" and insert "1996".

Technical Amendments to the Carl D. Perkins Vocational and Applied Technology Education Act

2. The Senate amendment, but not the House bill, restores the definition of the term "institution of higher education" for purposes of the Perkins Act as it applied prior to passage of the Higher Education Amendments of 1992. The amendment permits a State that previously distributed FY94 funds to proprietary institutions of higher education, however, to continue to distribute such funds to those institutions until July 1, 1995.

The House recedes.

3. The Senate amendment, but not the House bill, clarifies the eligibility of institutions in the Freely Associated States, formerly "Trust Territory of the Pacific Islands," for vocational education programs.

The House recedes with an amendment to substitute for the language of the Senate amendment a technical clarification of Section 101A of the Carl D. Perkins Vocational and Applied Technology Education Act updating the statutory reference to the Republic of Palau, formerly Palau, and Pacific Region Educational Laboratory (PREL), formerly the Center for Advancement of Pacific Education (CAPE).

Technical Amendment to the Second Morrill Act

4. The Senate amendment, but not the House bill, clarifies the continued land grant status for the three institutions of higher education located in the successor governments of the former Trust Territory of the Pacific Islands (the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau).

The House recedes.

Technical Amendments to the Higher Education Act

5. The Senate amendment, but not the House bill, amends Section 312 of the Act to clarify the eligibility of institutions in the Freely Associated States for Title III programs by adding to that section a special definition of a "state" for the purposes of Part A of Title III of the Act.

The House recedes with an amendment to strike the special definition of a "state" contained in the Senate amendment and add to Section 312(b)(1)(C) of the Higher Education Act the names of the three institutions in the Freely Associated States (College of the Marshall Islands, College of Micronesia/Federated States of Micronesia, and Palau Community College).

6. The Senate amendment, but not the House bill, amends Section 404G of the Act to eliminate the funding trigger for the National Early Intervention Scholarship and Partnership Program.

The House recedes.

7. The Senate amendment, but not the House bill, makes a conforming change to Section 428(c)(1) of the Act to remove Lender-

of-Last-Resort loans from the calculation of a guaranty agency's reinsurance "trigger" rate.

The House recedes.

8. The Senate amendment, but not the House bill, amends Section 428C of the Act to allow the inclusion of HHS nursing loans in the HEA, Title IV Consolidation Loan Program.

The House recedes.

9. The Senate amendment, but not the House bill, amends Section 439 of the Act to increase from 15% to 30% the current restriction on the value of transactions that the Student Loan Marketing Association may enter into which involve student and faculty housing. The Senate amendment also expands the category of student and faculty housing to include athletic facilities, dining halls, and student unions.

The House recedes with an amendment to strike "athletic facilities" and insert "facilities generally open for promoting fitness and health for students, faculty, and staff or for physical education courses".

10. The Senate amendment, but not the House bill, amends Part G of Title IV of the Act to exempt public and private, nonprofit nursing schools that award a diploma, rather than a degree, from the clock-credit hour conversion formula for the purposes of calculating eligibility for Title IV assistance.

The House recedes.

11. The Senate amendment, but not the House bill, amends Section 484(j) of the Act to clarify the eligibility of citizens of the Freely Associated States, formerly the Trust Territory of the Pacific Islands, for the Pell Grant, TRIO, FSEOG, SSIG, Robert C. Byrd Honors Scholarship Program, and Federal Work Study programs.

The House recedes with an amendment to strike from the language of the Senate amendment "subparts 1, 2, 3, 4, and 6 of part A, . . ." and insert "subpart 1, chapter 1 of subpart 2, subpart 3, and subpart 6 of part A, . . .", thereby striking the reference to SSIG and restricting to chapter 1 TRIO programs such eligibility under subpart 2 of Title IV of the Higher Education Act.

12. The Senate amendment, but not the House bill, amends Section 723 of the Act to allow a participating institution's escrow funds to be returned when it repays its loan(s) made under this part, as opposed to when all loans made to all institutions under this part are retired.

The House recedes with an amendment to clarify that an eligible institution is required to maintain in escrow an amount equal to, but not in excess of, 10 percent of its own outstanding principal.

13. The Senate amendment, but not the House bill, amends Section 435(o) of the Act to allow borrowers with a 20 percent or greater federal education debt to disposable income ratio, to obtain an "economic hardship deferment" for a maximum of 3 years on their subsidized Title IV student loans (Stafford and FISL loans).

The House recedes with an amendment rewriting the additional criterion for economic hardship deferments to provide such deferments for borrowers whose federal education debt burden equals or exceeds 20 percent of their adjusted gross income (AGI) and whose AGI, minus federal education debt burden, is less than

220 percent of the poverty level measurement specified in the Department of Education's final regulations of June 29, 1994, pertaining to the "economic hardship" deferment.

The Managers adopted this provision to clarify the meaning of the term "economic hardship." Our action should not be interpreted as a change in the course of action we took regarding student loan deferments in the 1992 Higher Education Amendments. Those amendments eliminated categorical deferments for subsidized Title IV Loans, and we continue to support this policy.

The 1992 Higher Education Amendments directed the Secretary of Education to consider income and debt-to-income ratio as primary factors in developing criteria to determine borrower eligibility for the "economic hardship" deferment. Although the Secretary's Notice of Proposed Rulemaking did take into account a borrower's debt-to-income ratio as specified by Section 435(o)(2) of the Higher Education Act as amended, the final regulation does not do so. The Managers, therefore, agreed to language to clarify that borrowers with a very significant federal education debt burden, relative to their level of income, are considered to have an "economic hardship."

In implementing this language, the Managers intend that "federal education debt burden", as used in this amendment to Section 435(o) of the Act, shall consist of the annual total payments a borrower would be expected to make on all his federal education loans pursuant to a standard 10-year repayment schedule.

14. The Senate amendment, but not the House bill, amends Section 1544 of the Higher Education Amendments of 1992 to permit institutions that practice need-blind admissions to voluntarily agree with other such institutions to: award non-federal HEA financial aid to students only on the basis of demonstrated financial need, determine student financial aid for non-federal HEA aid on common principles of need analysis, use common aid application forms for non-federal HEA aid, and exchange through an independent 3rd party certain financial data on commonly admitted applicants. The Senate amendment does not waive any requirements or obligations imposed under HEA nor does it affect any pending litigation. The provision sunsets on September 30, 1999.

This provision extends for an additional three years the temporary antitrust exemption for certain collegiate financial aid award analysis, which was originally enacted with the Higher Education Amendments of 1992 as a two-year exemption. The temporary exemption has also been revised in light of the "standards of conduct" adopted as part of the settlement of the antitrust action between the Department of Justice and Massachusetts Institute of Technology in the case of *United States* v. *Brown University, et al.*, Civ. Action No. 91–3274 (E.D. Pa.), on December 22, 1993.

As revised, the temporary exemption applies only to institutions of higher education that admit students on a need-blind basis. The definition of "on a need-blind basis" in subsection (c)(6) is based on language in the "standards of conduct" adopted in the MIT settlement. See also *United States* v. *Brown University*, 5 F.3d 658(1993).

The managers have decided against elaborating on the need-blind admissions standard in the statutory text. As should be obvious, however, evidence of a practice among admissions personnel at an institution of higher education of examining, discussing, or otherwise considering information relating to a student's financial circumstances that is derived from such student's financial aid application form, or from any other document or record obtained for the purpose of ascertaining such financial circumstances, before the decision is made regarding the student's admission will substantially increase the institution's burden of demonstrating that the school's admissions policy is truly need-blind. Prudence would counsel that schools wishing to make use of this provision insulate their admissions, process and admissions personnel as completely as possible from such student financial aid information, until after the admissions process is complete.

The term "principles of need analysis" in subsection (a)(2) has been substituted for the term "principles of professional judgment" in the earlier provision, and the inclusion of limited exchange of data specified in subsection (a)(4) has been added, in light of the "standards of conduct" adopted in the MIT settlement.

The sunset provision has been extended to September 30, 1997. While the Managers have decided to continue a temporary exemption for this limited period, it is expected that the exemption will not be extended further. Upon the expiration of this extension, those who support extending the exemption must meet the burden of demonstrating that it is truly needed in order to advance the generally pro-competitive goal of enhancing access by needy students to higher education.

15. The Senate amendment, but not the House bill, amends Section 455(f) of the Act to clarify that "old borrowers" (those who took out their first Title IV loan prior to July 1, 1993), who take out a Title IV, Part D loan will be eligible for the same deferment opportunities on such Part D loans as will "old borrowers" who take out additional Title IV, Part B loans.

The House recedes.

Equity in Athletics Disclosure Act

16. The Senate amendment, but not the House bill, authorizes the "Equity in Athletics Disclosure Act". This amendment to Section 485 of the Higher Education Act requires each institution that participates in Title IV student aid programs, and has an intercollegiate athletic program, to submit to the Secretary of Education an annual report detailing its expenditures for each of its sports teams, differentiating between the levels of participation and expenditures for its men's, women's, and coeducational teams. The amendment further requires that these expenditures be broken down into various specific categories and that, upon request, the information gathering pursuant to this new authority be disclosed to prospective students and to the public. The amendment requires the Secretary to compile and publish this information, breaking it down by both institution and athletic conference, in an annual report, the first of which is to be issued on or before July 1, 1995. The effective date of the amendment is July 1, 1994.

The House recedes with an amendment eliminating the requirement that institutions submit an annual report to the Secretary of Education. The amendment adds language requiring the Secretary to issue final regulations to eliminate the gender equity provisions within 180 days after enactment of this subsection. Each coeducational institution with an intercollegiate athletic program must, upon request, make available to prospective students, students, and the public its first annual report pertaining to its men's and women's varsity sports teams no later than October 1, 1996.

The House amendment modifies the Senate amendment's definition of "operating expenses" and requires that institutions report each team's total annual "operating expenses". The House amendment allows institutions to, at their discretion, additionally report team operating expenses on a per capita basis. The House amendment also permits institutions to report revenues generated on an individual team basis, in addition to the mandatory reporting of revenues generated across all men's sports and revenues generated across all women's sports.

In developing regulations to implement the gender equity in athletics provisions, the Managers intend that the Secretary ensure that those institutions electing to include the optional reporting elements of per capita operating expenses by team and individual team revenues do so alongside of the total team operating expenses and the total team revenues aggregated by gender, respectively, as required pursuant to (g)(1)(B)(ii) and (g)(1)(F). The Managers agree that these additional reporting elements are to be included at the discretion of the individual institution.

Equity in Educational Land-Grant Status Act of 1994

17. The Senate amendment, but not the House bill, authorizes the "Equity in Educational Land-Grant Status Act of 1994" to establish land-grant college status for 29 Native American institutions of higher education. For each of fiscal years 1996–2000, the amendment authorizes $4.6 million to establish an endowment fund for the "1994 Institutions" and $1.7 million for institutional capacity building grants. The amendment also authorizes $6.45 million under existing land-grant program authorities for FY96 and for each fiscal year thereafter for the "1994 Institutions."

The House recedes with an amendment to strike "research" and insert "instructional activities".

The conferees in recognition of the distinguished service of William D. Ford agree to re-name the Federal Direct Student Loan Program the William D. Ford Federal Direct Student Loan program, and that henceforth such direct loans shall be called Stafford-Ford Loans. In conferring this honor, the conferees are fully aware that the Department of Education has numerous printed forms and materials referring to the current program. The conferees, therefore, intend that the Department and direct loan program participants continue to use existing materials and forms until they are exhausted, but that any new programs and materials that are prepared and printed after the effective date of this legislation shall bear designation of the program as the William D. Ford Federal Direct Student Loan Program and refer to such loans as Stafford-Ford loans.

IASA TITLE IV—NATIONAL EDUCATION STATISTICS

1. The House bill places the National Education Statistics Act as Title IV of the Improving America's Schools Act; the Senate amendment places it as Title XIV of ESEA.

The Senate recedes.

Findings; Purpose; Definitions

2. The House bill, but not the Senate amendment, defines various terms because the National Education Statistics Act is free-standing and not part of ESEA.

The Senate recedes.

3. The House bill defines "United States" and "State" to, for the purposes of the NAEP assessment to mean the 50 states, the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Marianas and the Republic of Palau (until the effective date of the Compact of Free Association with the Government of Palau); the Senate amendment defines "State" and "United States" to mean the 50 states, D.C., Puerto Rico, Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Marianas, the Republic of the Marshall Islands, the Federated States of Micronesia, and Palau.

The House recedes with an amendment clarifying that the definition in subparagraph (B) includes the language in subparagraph (A).

Duties of the National Center for Education Statistics

4. The House bill, but not the Senate amendment, provides that the duties are to collect statistics on the condition of education at the preschool, elementary, secondary, and postsecondary level.

The Senate recedes.

5. The House bill says in subparagraph (B) that data should be collected "at all levels of education," and includes "out of school youth and adults in subparagraph (C);" the Senate amendment in subparagraph (B) says "including data on secondary school completions, dropouts, and adult literacy, which education statistics and data, whenever feasible, shall be collected, analyzed, cross-tabulated and reported by sex, race or ethnicity, and socioeconomic status."

The Senate recedes with an amendment including "secondary school completions, dropouts, and adult literacy".

6. The Senate amendment, but not the House bill, includes data on educational access and opportunity, including data on financial aid to postsecondary students.

The House recedes with an amendment inserting postsecondary education.

7. The House bill includes data on teachers, administrators, counselors, and other educational personnel at all levels of education, including the supply and demand for such teachers; the Senate amendment includes data on teaching, including curriculum, instruction, the conditions of the education workplace, and the supply and demand for teachers, which may include data on the proportions of women and men cross-tabulated by race or ethnicity,

teaching in subjects in which such individuals have been historically underrepresented.

The House recedes with an amendment changing "curriculum" to "course-taking".

8. The House bill includes data on the learning and teaching environment including the nature and incidence of violence affecting students, school personnel, and other individuals participating in school activities; the Senate amendment included data the learning environment, and on libraries, the incidence of crime, violence, and substance abuse.

The House recedes with an amendment combining the two provisions.

9. The House bill, but not the Senate amendment, includes data on violence against teachers and students and other indices of school safety.

The Senate recedes with an amendment combining the provisions.

10. The Senate amendment, but not the House bill, includes data on revenues and expenditures.

The House recedes.

11. The House bill says collecting, analyzing, cross-tabulating, and reporting to the extent feasible so as to provide information by gender, race, socioeconomic status, limited-English proficiency, and other population characteristics when such information would facilitate decisionmaking; the Senate amendment has a subsection heading, and states the Center shall ensure that data in subsection (a)(1) whenever feasible, are collected by race, ethnicity, and socioeconomic status.

The Senate recedes.

Performance of Duties

12. The Senate amendment, but not the House bill, provides a time limit for grants, contracts, and cooperative agreements.

The House recedes.

13. The House bill, but not the Senate amendment, refers to "public and private" schools and "preschools".

The Senate recedes.

Advisory Council on Education Statistics

14. The House bill provides for a 18 member council appointed on the basis of their experience "within the field" with practicing educators at the preschool, elementary, or secondary school level, and 3 experts in educational measurement; the Senate amendment provides for a 15 member council appointed on the basis of their experience "within the field of education statistics", with 3 educators and a paragraph heading.

The Senate recedes with an amendment striking "at the preschool, elementary, or secondary level".

15. The House bill, but not the Senate amendment, provides for 3 individuals representing the public.

The Senate recedes.

16. The House bill requires the Commissioner to appoint the presiding officer; the Senate amendment requires the Secretary to

appoint the presiding officer and entitles the paragraph "Presiding Officer".

The Senate recedes.

17. The House amendment says six members; the Senate amendment says 5 members and includes a paragraph heading.

The Senate recedes.

18. The House bill says the council shall meet in public session at the call of the presiding officer and whenever 10 members request a meeting; the Senate amendment has a paragraph heading, and says that the council shall meet at the call of the presiding officer and whenever 8 members requesting a meeting.

The Senate recedes.

19. The House bill says that 11 members constitute a quorum; the Senate amendment says 9 members constitute a quorum and has a subparagraph heading.

The Senate recedes.

20. The House bill, but not the Senate amendment, says that the Council shall advise the Commissioner and National Assessment Governing Board on matters related to the National Assessment.

The Senate recedes with an amendment clarifying that the advice is on technical and statistical matters.

21. The House bill, but not the Senate amendment, provides that the council shall appoint a staff.

The Senate recedes with an amendment providing that the staff shall consist of not more than 6 individuals with technical expertise.

Confidentiality

22. The House bill, but not the Senate amendment, provides that no collection of information and data to review except as required by OMB.

The Senate recedes.

Dissemination

23. The House bill says funds for work in this paragraph "shall be deposited in a separate account that may be used to pay"; the Senate amendment says funds for work in this subsection "may be used for the fiscal year for which such funds are received to pay" and has a paragraph heading.

The House recedes with an amendment striking "for the fiscal year for which such funds are received".

24. The House bill says the Center shall cooperate with other federal agencies; the Senate amendment says the Center shall, consistent with section 14008, participate with other federal agencies, and has a subsection heading.

The Senate recedes with an amendment ensuring that this provision is administered consistent with the provisions of section 408.

25. The House bill says the Commissioner shall establish 1 or more national cooperative education statistics systems; the Senate says the Commissioner may establish such systems.

The House recedes.

26. The Senate amendment, but not the House bill, authorizes a model data system to yield information about spending for administration at the school and local educational agency level and directs the Secretary to report to the Congress on several factors relating to the potential to reduce such administrative costs.

The House recedes with an amendment striking the required study and report.

National Assessment of Educational Progress

27. The House bill provides that the Commissioner shall carry out a national assessment with the advice of the Council established by section 407 and says (the National Assessment); the Senate amendment says with the advice of the National Assessment Governing Board established under section 14012 and says (hereafter in this part referred to as the National Assessment).

The House recedes with an amendment combining the provisions.

28. The House bill, but not the Senate amendment, says that data is collected on students in public and private schools.

The Senate recedes.

29. The House bill says to include information on special groups; the Senate amendment says to include, whenever feasible, information collected, cross-tabulated, analyzed and reported by sex, race or ethnicity and socioeconomic status.

The House recedes with an amendment combining the provisions.

30. The Senate amendment, but not the House bill, says to collect and report data on students receiving services under part A of Title I.

The Senate recedes.

31. The House bill, but not the Senate amendment, provides that state assessments be conducted on a trial basis.

The Senate recedes with an amendment changing "trial" to "developmental" and providing the State assessments will be developmental until the Commissioner, based on evaluation results, determines that they produce high quality data that is valid and reliable.

32. The House bill says the Commissioner may decline to make cognitive questions available to the public; the Senate amendment says the Secretary may do this and has a subparagraph heading.

The Senate recedes.

33. The House bill, but not the Senate amendment, says the Commissioner may make test instruments available for assessments at the local educational agency level of requested by an State educational agency or local educational agency and only in a limited number of cases.

The House recedes.

34. The House bill, but not the Senate amendment, says participation by a local educational agency shall be voluntary.

The House recedes.

35. The House bill, but not the Senate amendment, says that a local educational agency must provide a written statement of concurrence for participating in local assessments.

The House recedes.

36. The House bill, but not the Senate amendment, requires that an agency give assurances to the Commissioner.

The House recedes.

37. The House bill says the Commissioner shall enter into agreements with states; the Senate amendment says the Secretary shall enter into agreements and has a paragraph heading.

The Senate recedes.

38. The House bill, but not the Senate amendment, provides that the non-federal share shall include the analysis and reporting of the data; the Senate amendment has paragraph and subparagraph headings.

The House recedes with an amendment adding analysis and reporting costs as examples of the reasonable costs associated with the non-Federal share.

39. The House bill, but not the Senate amendment, says that the implementation of subparagraph (C) shall involve no costs to the federal government.

The House recedes.

40. The House bill, but not the Senate amendment, says the National Assessment Governing Board working with the Assistant Secretary shall develop student performance levels, and that the Commissioner, with the advice of the Council, establish standards for the evaluation of the levels.

The Senate recedes with an amendment striking "working with the Assistant Secretary" and the provision requiring the Commissioner to develop evaluation standards.

41. The House bill, but not the Senate amendment, says that the levels shall be devised through a consensus approach, used on a trial basis, updated as appropriate, and reported separately from the national assessment when used on a trial basis.

The Senate recedes with an amendment changing "trial" to "developmental" and providing that the Commissioner and the Board shall ensure that reports that use the developmental student performance levels do so in a manner that makes clear their developmental status.

42. The House bill, but not the Senate amendment, says that after determining the levels are reasonable, valid, and informative to the public, the Commissioner may use them in reporting the results of the National Assessment and State assessments.

The Senate recedes with an amendment (i) clarifying that the Commissioner determines their reasonableness, validity, and informative value through an evaluation under subsection (f), and (ii) providing that once the Commissioner has made this determination, the Commissioner shall use the levels to report NAEP results.

43. The House bill provides that the Commissioner shall provide for review by the National Academy of Education or the National Academy of Sciences of national, state, and local assessments, including each trial state assessment, and student performance levels, and describes factors to be reviewed in the trial state assessments; the Senate amendment says the Secretary shall provide for the review of national and state assessments and does not specify the entities to carry it out.

The House recedes with an amendment (i) including developmental student performance levels, and (ii) providing that the evaluations are to be performed by one or more nationally recognized evaluation organizations such as the National Academy of Education and the National Academy of Sciences.

National Assessment Governing Board

44. The Senate amendment, but not the House bill, says that the testing and measurement experts shall have training and experience in the field of testing and measurement.

The House recedes.

45. The House bills says the Secretary shall ensure the membership of the Board reflects regional, racial, gender, and cultural diversity and balance; the Senate amendment says the Secretary and Board shall ensure this, that the Board exercises independent judgment, free from inappropriate influences and special interests, and has a paragraph heading.

The House recedes.

46. The House bill limits terms to 3 years and no member may serve more than 2 consecutive terms; the Senate amendment limits service to one 4 year term.

The Senate recedes with an amendment limiting service to not more than two 3 year terms.

47. The House bill says that the Secretary shall fill vacancies after soliciting recommendations from a variety of organizations including those representing the types of individuals on the Board, and in a manner that maintains the composition and diversity of the Board; the Senate amendment says the Secretary shall fill vacancies from individuals recommended by the Board which shall nominate 3 people for each vacancy.

The Senate recedes with an amendment providing that (i) nominees will be supplied by organizations representing the types of individuals needed to fill the vacancy, (ii) each group will nominate 6 people for each vacancy, (iii) the Secretary, in making appointments will maintain the composition, diversity, and balance of the Board, and (iv) the Secretary may request that each organization submit additional nominees if the Secretary determines that none of the individuals nominated by such organization has appropriate experience.

48. The House bill says the Board, working with the Assistant Secretary, shall develop student performance levels; the Senate amendment says in carrying out its functions under this section the Board shall identify appropriate achievement goals.

The Senate recedes with an amendment striking the requirement that the Board work with the Assistant Secretary.

49. The House bill says that assessment objectives and tests specifications shall be developed through a national consensus approach; the Senate amendment says that each learning area assessment shall have goal statements devised through a national consensus approach.

The Senate recedes.

50. The Senate amendment, but not the House bill, says the Board shall select subject areas to be assessed, design the methodology of the assessment, and develop standards and procedures for comparisons.

The House recedes with an amendment providing that the Board shall design the methodology of the assessment in consultation with appropriate technical experts including the Advisory Council on Education Statistics.

51. The House bill says recommendations for actions needed to improve the National Assessment; the Senate amendment says take appropriate actions needed to improve the Assessment.

The House recedes.

52. The Senate amendment, but not the House bill, says the Board may delegate certain functions to its staff.

The House recedes.

53. The Senate amendment, but not the House bill, says the Board shall have final authority on the appropriateness of cognitive items.

The House recedes.

54. The House bill says the Board working with the Commissioner shall take steps to ensure items are free from bias; the Senate amendment says the Board shall take steps to ensure items are free from bias.

The Senate recedes with an amendment striking the requirement that the Board work with the Commissioner in ensuring that items used in the National Assessment are free of bias.

55. The House bill, but not the Senate amendment, says the Board shall seek technical advice from the Commissioner and Advisory Council.

The Senate recedes with an amendment providing that the Board "may" seek technical advice from the Advisory Council and includes "other experts."

56. The House bill, but not the Senate amendment, says the Board shall report on steps it is taking to respond to recommendations of the evaluations of the student performance levels.

The Senate recedes.

57. The Senate amendment, but not the House bill, says that the Board shall be independent of the Secretary and the Department.

The House recedes.

58. The House bill allows the Secretary to appoint staff at the request of the Board" as will enable the Board to carry out its responsibilities"; the Senate amendment allows the Secretary to appoint staff at the direction of the Board "as the Board requires."

The Senate recedes with an amendment striking the reference to subsection (e)(1).

59. The House bill refers to "not more than 6 technical employees"; the Senate amendment refers to "not more than 6 technical employees to administer this subsection."

The Senate recedes.

60. The House bill says the Commissioner and Board shall meet to coordinate their duties and activities relating to the National Assessment; the Senate amendment says the Commissioner shall report to the Board on Department actions to implement the Board's decisions.

The Senate recedes with an amendment combining the provisions.

61. The House bill says that only sections 10, 11, and 12 of Federal Advisory Committee Act shall apply to the Board; the Senate amendment says the Board shall have the authorities authorized by the Federal Advisory Committee Act and be subject to its open meeting provisions.

The Senate recedes.

62. The House bill, but not the Senate amendment, says that no member or employee of the Board may lobby on legislation except when a representative of the Board has been requested to testify, and establishes penalties for violations of this provision.

The House recedes.

Authorization of Appropriations

63. The House bill authorizes $103,200,000 for fiscal year 1995 and such sums for fiscal years 1996 through 1999 for this title except for section 412; the Senate amendment authorizes $100 million for fiscal year 1995 and such sums for each of the 4 succeeding fiscal years.

The House recedes with an amendment authorizing (i) $65 million for fiscal year 1995 and such sums as may be necessary for each of the four succeeding fiscal years for NCES, and (ii) $35 million for fiscal year 1995 and such sums as may be necessary for the succeeding two fiscal years for NAEP.

64. The House bill authorizes $2 million for fiscal years 1995 and 1996 for section 412; the Senate amendment says not more than 10 percent of the funds available for the National Assessment may be used for the National Assessment Governing Board and has a subsection and paragraph heading.

The Senate recedes with an amendment and authorizing $3 million for fiscal years 1995, and such sums as may be necessary for each of the two succeeding fiscal years.

IASA TITLE V—MISCELLANEOUS PROVISIONS

The Senate amendment, but not the House bill, provides that, in documents transmitted to Congress explaining the President's budget request for the Special Education account, the Department of Education shall display amounts included in the request to offset the termination of part D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 by the Improving America's Schools Act of 1994.

The House recedes.

1. The House bill, but not the Senate amendment, requires that the Secretary conduct an evaluation of how the federal government has assisted the states to reform their educational systems, through the various education laws enacted during the 103rd Congress.

The House recedes.

Budget Compliance

2. The House bill, but not the Senate amendment, says that any authority or requirement to make funds available under this Act shall be effective only to the extent provided in appropriations Acts.

The Senate recedes.

Parental Involvement

3. The Senate amendment, but not the House bill, declares that it is the policy of the Congress that states, in cooperation with LEAs, schools, and parents' groups, should be encouraged to involve parents of children who display criminal or violent behavior at school in disciplinary actions affecting such children.

The Senate recedes.

Grants to States for Workplace and Community Transition Training for Incarcerated Youth Offenders

4. The Senate amendment, but not the House bill, establishes a program to provide grants to states to assist and encourage incarcerated youths to acquire literacy, life, and job skills through the pursuant of education while in prison and on parole.

The House recedes with amendments to insert "education" between "State correction" and "agency" and insert "for each eligible student" after "State" in paragraph (e)(3) and change the authorization from $18 million to $5 million.

Criminal History Investigations of School Bus Drivers

5. The Senate amendment, but not the House bill, requires that notwithstanding any other provision of law, an LEA may not employ a school bus driver until the LEA conducts a background check of the driver. The background check must meet the guidelines of section 3(b) of the National Child Protection Act of 1993.

The Senate recedes.

Rate of Pay for the Deputy Director of the National Institute on Disability and Rehabilitation Research

6. The Senate amendment, but not the House bill, allows the Secretary to compensate anyone appointed during 1994 to be Deputy Director of the National Institute on Disability and Rehabilitation Research at level 5 of the Senior Executive Services Schedule.

The House recedes.

7. The Senate amendment, but not the House bill, includes a title called "Workers Technology Skill Development."

The House recedes with amendments to section 505(c) clarifying that in the development and dissemination of materials, the grant recipient could include information dealing with labor-management cooperation as well as the involvement of workers in designing new workplace practices.

8. Community School Partnerships. The Senate amendment authorizes the Secretary to competitively award an endowment grant to a national organization to enable such organization to support the establishment of area program centers that foster the development of local affiliated chapters in high-poverty areas which work to improve high-school graduation rates and postsecondary attendance through scholarship and other support services.

The House recedes.

Albert Einstein Distinguished Educator Fellowship Act

The Senate amendment establishes the "Albert Einstein Distinguished Educator Fellowship Act of 1994."

The House recedes.

Waste Management Education Research Consortium (WERC)

1. The Senate amendment authorizes the Secretary to establish a partnership of Department of Energy laboratories, academic institutions, and private sector industries to conduct environmentally related education programs, including programs involving environmentally conscious manufacturing and waste management activities that have undergraduate and graduate educational training as a component.

The House recedes.

The Senate amendment establishes "The Multi-Ethnic Placement Act of 1994", the purpose of which is to decrease the length of time that children wait to be adopted, to prevent discrimination in the placement of children on the basis of race, color or national origin, and to facilitate the identification and recruitment of foster and adoptive families that can meet children's needs.

The House recedes with amendments replacing references to "racial identity needs" with "racial background" and requiring an agency to comply with this subtitle not later than 6 months after publication of the guidance referred to in subsection (c), or 1 year after enactment, whichever is sooner.

MULTIETHNIC PLACEMENT

Subtitle A—Multiethnic Placement

Multiethnic Foster Care and Adoption Placements

Title VI of the Civil Rights Act of 1964 provides that programs that receive federal funds cannot discriminate on the basis of race, color, or national origin. Although race, color, or national origin may not be used as a basis for providing benefits or services, the federal policy guidelines that interpret Title VI's meaning in the context of adoption and foster care permit officials to consider these factors in making placements. The guidelines state that: "In placing a child in an adoptive or foster home it may be appropriate to consider race, color, or national origin as one of several factors . . . This policy is based on unique aspects of the relationship between a child and his or her adoptive or foster parent. It should not be construed as applicable to any other child welfare or human services area covered by Title VI."

Subtitle B—Other Provision

Effect of Failure to Carry Out State Plan

The "State plan" titles of the Social Security Act include Aid to Families with Dependent Children (AFDC) (Title IV–A), Child Welfare Services (Title IV–B), Child Support and Establishment of Paternity (Title IV–D), Foster Care and Adoption Assistance (Title IV–E), Job Opportunities and Basic Skills Training (JOBS) (Title IV–F), and Medicaid (Title XIX). Under these titles, as a precondition of funding, each participating State is required to develop a written "State plan" that meets certain statutory requirements in order to be approved by the Secretary of the Department of Health and Human Services (HHS).

The Adoption Assistance and Child Welfare Act of 1980 amended the Social Security Act to require States to provide in their Title IV–E plans that, in the case of each child, reasonable efforts will be made (a) prior to the placement of the child in foster care, to prevent or eliminate the need for removal of the child from his home, and (b) to make it possible for the child to return to his home (sec. 471(a)(15)).

On March 25, 1992, the U.S. Supreme Court held in *Suter* v. *Artist M.*, that the "reasonable efforts" clause does not confer a federally-enforceable right on its beneficiaries, nor does it create an implied cause of action on their behalf. In rendering its opinion, the Court also stated that although section 471(a) does place a requirement on the States, that requirement "only goes so far as to ensure that the States have a plan approved by the Secretary which contains the 16 listed features."

House Bill

No provision.

Senate Amendment

The official title of the Senate Amendment is the Multiethnic Placement Act of 1994. The stated purpose of the Multiethnic Placement Act is to decrease the length of time that children wait to be adopted and to prevent discrimination in the placement of children on the basis of race, color or national origin. It has the following provisions:

Prohibition

Agencies or entities receiving Federal funds who are involved in adoption or foster care placements may not, solely on the basis of the race, color, or national origin of the adoptive or foster parent, or the child, involved: (1) categorically deny to any person the opportunity to become an adoptive or foster parent, or (2) delay or deny the placement of a child for adoption or into foster care, or otherwise discrimination in making a placement decision.

Permissible Consideration

Any agency or entity may consider the race, color or national origin of child as a foster in making a placement decision if the factor is relevant to the best interests of the child involved and is considered in conjunction with other factors.

Definition

The term "placement decision" means the decision to place, or to delay or deny the placement of, a child in a foster care or an adoptive home, and includes the decision of the agency or entity involved to seek the termination of birth parent rights or otherwise make a child legally available for adoptive placement.

Limitation

The Secretary of HHS is prohibited from providing funds under Title IV–E of the Social Security Act for placement and administrative expenditures to any agency or entity that is not in compliance with the anti-discrimination policy outlined above.

Equitable Relief

The Act would provide a right to bring an action seeking relief in U.S. district court to any individual who is aggrieved by a violation of the anti-discrimination policy outlined above.

Construction

Nothing in the Multiethnic Placement Act shall be construed to affect the application of the Indian Child Welfare Act.

CONFERENCE AGREEMENT

Subtitle A—Multiethnic Placement

Multiethnic Foster Care and Adoption Placements

The conference agreement follows the Senate amendment with the following modifications:

Purpose

Change the purpose to read: It is the purpose of this Act to promote the best interests of children by: (1) decreasing the length of time that children wait to be adopted; (2) preventing discrimination in the placement of children on the basis of race, color, or national origin; and (3) facilitating the identification and recruitment of foster and adoptive families that can meet children's needs.

Permissible Consideration

Change permissible consideration to read: An agency or entity to which the prohibition against discrimination applies may consider the cultural, ethnic, or racial background of the child and the capacity of the prospective foster or adoptive parents to meet the needs of the child of this background as one of a number of factors used to determine the best interests of a child.

Limitation

Substitute the following language: Noncompliance with this Act constitutes a violation of Title VI of the Civil Rights Act of 1964.

Amendment to Title IV-B Child Welfare Services program

Add the following Title IV–B State plan requirement: The State plan must provide for the diligent recruitment of potential foster and adoptive families that reflect the ethnic and racial diversity of children in the State for whom foster and adoptive homes are needed.

Federal Guidance and Deadline for Compliance

Add the following: Not later than 6 months after enactment the Secretary of HHS must publish guidance to concerned public and private agencies and entities with respect to compliance with the Multiethnic Placement Act. An agency or entity that receives Federal assistance and is involved with adoption or foster care placements shall comply not later than 6 months after publication of guidance or 1 year after enactment, whichever is sooner. In cases where a State demonstrates to the Secretary's satisfaction that a particular practice cannot be changed without amending State law, the Secretary may extend the compliance date for such State a reasonable number of days after the closing of the first State legislative session beginning after the Federal guidance is published.

Subtitle B—Other Provision

Effect of Failure To Carry Out State Plan

The provision would amend Title XI of the Social Security Act by adding a new section that reads as follows: "In an action brought to enforce a provision of the Social Security Act, such provision is not to be deemed unenforceable because of its inclusion in a section of the Act requiring a State plan or specifying the required contents of a State plan. This section is not intended to limit or expand the grounds for determining the availability of private actions to enforce State plan requirements other than by overturning any such grounds applied in *Suter* v. *Artist M.*, 112 S. Ct. 1360 (1992), but not applied in prior Supreme Court decisions respecting such enforceability; provided, however, that this section is not intended to alter the holding in *Suter* v. *Artist M.* that section 471(a)(15) of the Act is not enforceable in a private right of action."

The intent of this provision is to assure that individuals who have been injured by a State's failure to comply with the Federal mandates of the State plan titles of the Social Security Act are able to seek redress in the federal courts to the extent they were able to prior to the decision in *Suter* v. *Artist M.*, while also making clear that there is no intent to overturn or reject the determination in *Suter* that the reasonable efforts clause to Title IV–E does not provide a basis for a private right of action.

The amendment would apply to actions pending on the date of enactment and to actions brought on or after the date of enactment.

For consideration of the House bill and the Senate amendment (except for sections 601–603 and 801–805):

William D. Ford,
George Miller,
Dale E. Kildee,
Pat Williams,
Major R. Owens,
Tom Sawyer,
Donald M. Payne,
Jolene Unsoeld,
Patsy T. Mink,
Jack Reed,
Tim Roemer,
Eliot L. Engel,
Xavier Becerra,
Gene Green,
Lynn C. Woolsey,
Carlos Romero-Barceló,
Karan English,
Ted Strickland,
Robert A. Underwood,

From the Committee on Education and Labor for consideration of sections 601–603 of the Senate amendment:

William D. Ford,
Major R. Owens,
Donald M. Payne,

From the Committee on Ways and Means for consideration of sections 601–603 of the Senate amendment:

Sam Gibbons,
Harold Ford,

From the Committee on Education and Labor for consideration of sections 801–805 of the Senate amendment:

William D. Ford,
Pat Williams,
Tom Sawyer,

From the Committee on Agriculture for consideration of sections 801–805 of the Senate amendment:

Kika de la Garza,
Charlie Stenholm,
Pat Roberts,
Managers on the Part of the House.

Edward M. Kennedy,
Clairborne Pell,
Howard M. Metzenbaum,
Christopher J. Dodd,
Paul Simon,
Tom Harkin,
Barbara A. Mikulski,
Jeff Bingaman,
Paul Wellstone,
Harris Wofford,
Nancy Landon Kassebaum,
James M. Jeffords,
Orrin Hatch,
Dave Durenberger,
Managers on the Part of the Senate.

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